

# LAW ENFORCEMENT NEWS

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## Getting ready for when Officer Johnny comes marchin' home

A multi-phase program aimed at helping officers get their beatings upon returning from military deployment overseas has been established by the Prince George's County, Md., Police Department.

The agency has had roughly two dozen people called up for duty so far, and is expecting to lose 40 more in coming months, department officials said at a symposium on the topic held in December in conjunction with the Metropolitan Washington Council of Governments, various law enforcement agencies and the Department of Defense Deployment Health Clinical Center.

Joe Rollo, the director of Prince George's County's psychological services unit and coordinator of the conference, said there are additional concerns when returning veterans are police officers. The stressful nature of police work, he told Law Enforcement News, often can create an environment in which problems associated with post-traumatic stress disorder, such as fatigue and impaired concentration, can be exacerbated.

"I think when you look at a case-by-case basis, officers returning from combat are faced in some ways with a dual challenge of adjustment to life with family, with friends, relationships, and I'm sure in a more general way, their own work experience," he said.

In debriefing officers returning from military duty, Rollo said, the conflict in Iraq may be seen to have many of the characteristics of a police action. Much of the work — in a broad sense — is

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## With God on their side, activists try to take back the streets of Sin City

A group of Las Vegas ministers and community activists is trying to take back the streets of the city's downtown by conducting its own police-type sting operations.

The "Downtown God Squad," as the group is called, has female members pose as prostitutes to snag johns. When they are approached, the women hand out religious pamphlets and a notice stating that the area is a "no drug and prostitution area." Another volunteer snaps the john's picture and hands out a flier that, in a play on current Las Vegas advertising, assures the person that "what happens in Las Vegas will not stay in Las Vegas."

In some of the group's stings, male volunteers will dress as drug dealers and join the decoy prostitutes.

The group has also announced its presence through marches, where fliers advertising the effort are dispersed, along

## Going ballistic Serious flaws seen in FBI bullet-matching test

The door may be open for hundreds, even thousands, of criminal appeals, after a study by the National Academy of Sciences found significant flaws in the technique used for decades by the FBI's crime lab for matching bullets to crimes.

At issue is the bureau's practice of matching bullets by their lead content, the theory being that bullets from the same lead batch share a common chemical fingerprint. FBI Lab Director Dwight Adams requested the study by the NAS after a former metallurgist for the bureau questioned the technique's validity.

The findings are just the latest in a long string of incidents and revelations tending to undermine confidence in the FBI lab. Over the past few years, one bureau scientist involved in lead-bullet analysis pleaded guilty to giving false testimony; another admitted

to improper DNA testing; and undisclosed problems with the lab's work on the Oklahoma City bombing case emerged in the form of long-secret documents in 2003.

Among the half-dozen or so recommendations made by the NAS study, which is still in draft form, was that the lab discontinue the use of a technique called data chaining. In data chaining, scientists may testify that a match has been made found between two bullets whose lead contents differ slightly if a third bullet, perhaps from a manufacturer, can be found which is identical to both.

The method is used when police do not have the suspect weapon, or the crime-scene bullet is not in good shape.

William Tobin, a former chief metallurgist for the FBI and a consultant in the field of applied metallurgy, is critical of the data-chaining process. It would be as if two

samples of blood from two individuals had been taken, he said, and found to be what is considered "analytically indistinguishable" — that is, possess similar amounts of iron, chlorine, zinc, potassium and other "analyzable analytes."

"What's been happening for over three decades is the examiners have been going into court testifying that, in my analogy, that our blood is compositionally, analytically indistinguishable," Tobin said in an interview with Law Enforcement News. "I don't have a problem with that phase of the practice. Where I do have a problem is the phase of the practice called unjustifiable extrapolation. The conclusion that is rendered is that you and I are from the same source as to parents. There is no scientific basis or validity to that type of conclusion."

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## Police groups split over expanded role in immigration enforcement

With the battle lines forming between supporters and opponents of proposals to give local law enforcement agencies the authority to enforce federal immigration laws, both sides can draw object lessons from the experience of state police in Florida, and more recently, in Alabama.

The Florida Highway Patrol became the first law enforcement agency in the nation last year to cross-deputize a few dozen troopers to carry out federal immigration duties. In October, the Alabama Department of Public Safety became the second. And if Congress passes the Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act, they will become just two of thousands of departments at the local, state and county

level with that authority.

Under the bill, civil immigration violations, such as overstaying a visa, would become a criminal act. States that fail to pass their own laws authorizing local police to enforce immigration laws would stand to lose millions of dollars in federal funding. Conversely, those that embrace the legislation could receive additional money. Police departments would also get a share in any assets seized, including immigrants' bank accounts and vehicles.

The legislation, sponsored in the Senate by Zell Miller, a Democrat from Georgia, and in the House by his fellow Georgian, Republican Charlie Norwood, has split the law enforcement community. Although

endorsed by the National Sheriffs' Association, the CLEAR Act is opposed by many chiefs and by at least some state chiefs' organizations.

"Norwood is from Georgia, either he just doesn't care or know about the issues we have," Chief Daniel Ortega of Salinas, Calif., where Hispanics make up 64 percent of the population, told The Copley News Service. "We're trying to gain the trust of our community."

According to Chief Jim Howell, a

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## Premature celebration



David Malmo-Levine of the Vancouver-based B.C. Marijuana Party lights up a joint while waiting for the Supreme Court of Canada to render its decision on marijuana possession on Dec. 23. The court ruled 6-3 that pot possession remains a criminal offense. (Canadian Press)

with religious tracts and information about how to become a volunteer.

The initiative has not pleased local law enforcement, although police have agreed to keep any eye on members so long as they do nothing illegal.

While he has had no direct experience with the group, Lt. Terry Davis of the Las Vegas Metro Police Department's vice unit, told Law Enforcement News that the Downtown God Squad is "treading on thin ice." The neighborhoods they have targeted are dangerous at night.

"They're dealing with people either looking for drugs, or prostitution," he said. "They're dealing with the underbelly of society in a lot of places and they're taking a chance of being hurt."

Sgt. Eric Fricker, one of the officers who hid with squad members during their first sting, said that while this type of community

anti-crime initiative is neither officially condoned nor encouraged, the group's frustration is easy to understand.

In one sting conducted in front of the department's Community Enforcement Office, a Downtown God Squad member dressed as a hooker was approached twice within 30 minutes. Both would-be johns were handed fliers.

"They act with impunity down here," Fricker told The Associated Press.

Even if police were to arrest every drug dealer and prostitute in one day, by the next, there would be an entirely new group of equal size on the street, he said.

"The police know what needs to be done on Fremont [Street]," one activist, Earl White, told The AP. "We're not waiting for them. If the sheriff sees us trying to do something for the community, then we can hold his feet to the fire."

# AROUND THE NATION

## NORTHEAST



**CONNECTICUT** — Rookie Hartford police officer Paul West was suspended for 30 days after spitting on the cruiser of a Windsor police lieutenant who was a key witness in the murder case against West's sister. Chasity West was convicted in the slaying death of her boyfriend's 7-year-old son and is now serving a life sentence. Hartford police officials say that despite some "anger issues," West has shown great promise as a law enforcement officer.

**NEW JERSEY** — The Bergen County Sheriff's Department promoted 23 sheriff's officers and two civilian employees, and swore in 16 new recruits. Many of the recruits were courthouse security guards, and although some of them will be facing a cut in pay, they are increasing their earning potential and are now in the police and firefighters' pension system.

**NEW YORK** — After ticketing a vehicle for wrongfully parking in a handicapped spot, Niagara Falls Police Officer Jackie Weigel said the vehicle's registration sticker caught her eye. The sticker, which had been hand-drawn, read in part, "Some fake s— I put on it because I don't have the money." The driver was cited for aggravated unlicensed operation and five other violations.

In a plea bargain that settles a federal civil rights charge, Newburgh Police Officer John Koptula has agreed to give up his gun, badge and any chance of returning to patrol duty. Koptula had responded to a call for assistance from a fellow officer. When he arrived, the officer was handcuffing the suspect, Nathaniel Herbin. When Herbin would not agree to get into the patrol car, Koptula threw him to the ground and kicked him in the head.

Police are looking through the computer files of Kings County hospital officer Nubian Knight for possible clues to his grisly murder. Knight, who had legally changed his name from Tyrone Alston, was known to have kinky sex tastes. He was found in his apartment badly beaten and his throat slashed. His wallet and credit cards were found at the scene. Police are looking into the possibility that the killer may have been someone the officer met in an Internet chat room.

The Rochester Police Department will be the first in upstate New York to apply the crisis intervention approach pioneered in Memphis, Tenn., for cases involving mentally ill or disturbed people. Up to 20 officers, each getting 60 hours of intense training, will make up the Emotionally Disturbed Persons Response Team. [See LEN, Dec. 15/31, 2000.]

**PENNSYLVANIA** — Testifying in his own defense, indicted Findlay constable William DeForte Jr. has denied all allegations that he told a German friend, Michael Kobold, that he was a deputy constable and purchased badges with him at a uniform shop. Kobold used the badge to bypass security at Pittsburgh International Airport and wore a badge and gun to help DeForte serve bench

warrants in 2002. The owner of the uniform shop testified that DeForte used his credentials to help his friend buy the badges and that his name was on the receipt.

Downtown property owners in York have voiced opposition to Mayor John Brenner's plan to have them contribute up to \$93,000 to put two more officers on downtown streets. The owners contend that they already pay enough property taxes for police services and that an increase would subsidize other areas of the city. The city will instead hire two new officers but use them citywide.

Six months after the Pittsburgh Police Bureau's SWAT team was disbanded because of budget cuts and layoffs, Police Chief Robert W. McNelly Jr. is looking for 45 to 50 officers to volunteer to form an emergency response team. Officers would be trained in SWAT operations and bring their gear with them on normal patrols. Currently, the Allegheny County SWAT team has agreed to respond to city emergencies.

## SOUTHEAST



**ARKANSAS** — Cammack Village Police Officer Marvin Barclay Bowden was charged Dec. 9 with four counts of aggravated assault and placed on administrative leave after reportedly firing his gun at some teenagers he had pursued in an off-duty, high-speed chase. Officials said Bowden was provoked when the teens threw a cup of water at his pickup. Officers in Arkansas are not allowed to draw their weapons unless a threat is perceived or expected and they are supposed to refrain from a high-speed chase if it endangers themselves or others.

**FLORIDA** — Pensacola police Sgt. Greg Sievers will reportedly fight a move to seek his resignation or fire him over allegations that he is connected to his wife's strip club, called Arty's Angels. State law prevents officers from having any interest in a business that sells alcohol and Sievers allegedly performed some maintenance work at the club.

**LOUISIANA** — Three bullets were fired at Eunice police Detective Ronald Papillion's mobile home on Dec. 27, shortly after the detective and his family had left the room where the bullets struck in order to go to bed. Police Chief Gary Fontenot said that Papillion's workload includes some cases involving people who might want to "retaliate" against him.

The Municipal Fire and Police Civil Service Board in Baton Rouge voted to reinstate Sgt. Stephen Mark Browning, who was fired last June for having telephone sex in his squad car. Browning is still being investigated for allegations that he forced a woman to perform oral sex on him. He claims that he agreed to meet the woman in a park after she told him she had some information about drug dealing in the neighborhood, and while waiting for her to arrive he got a cell-phone call from his wife, who "wanted to have sex on the phone."

**NORTH CAROLINA** — Winston-Salem

Police Officer Oliver Ray Gilley Jr. was arrested and placed on administrative leave for allegedly firing a gun in the direction of his girlfriend following an argument after a party.

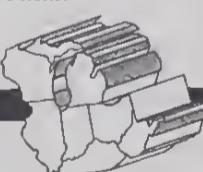
**SOUTH CAROLINA** — Rock Hill's new police chief, John Gregory, has started out his tenure by shifting three captains and promoting 11 officers — three to lieutenant and eight to sergeant. He announced the implementation of a new schedule for all patrol officers.

Prosecutor Ralph Hoisington has asked the state attorney general to investigate whether any laws were broken during a police sweep for drugs at Stratford High School in Goose Creek. After reviewing a surveillance video, which showed police pointing guns at students and ordering them to the floor, Hoisington, the solicitor for the 9th Judicial District, said he believed the methods used by some officers were ill-advised. During the sweep, police checked 107 students and briefly restrained about a dozen of them. No drugs were found in the sweep, which was conducted after school officials had called the police to report marijuana sales on school grounds.

**TENNESSEE** — Veteran Memphis police officers Jacqueline Layrock and Alnita Campbell were indicted Dec. 17 on charges that they took over \$148,000 to keep quiet about thefts in the property room. The indictments now bring to five the number of property room workers who have been linked to a cocaine ring. The supervisor, Kenneth Dansberry and an inventory clerk were indicted in September. To buy the officers' silence, Dansberry allegedly gave Layrock and Campbell about \$100,000 from the sale of drugs taken from the property room. Later the two women took more cash and property from the room's vaults.

**VIRGINIA** — The commander of the Chesapeake Police Department's traffic unit, Lt. Charles R. Schafer, has been suspended without pay after being charged with driving under the influence, leaving the scene of an accident and refusing to take a Breathalyzer test. Police arrested Schafer after responding to a report that a truck had hit other vehicles. They found the truck parked outside of Schafer's home.

## MIDWEST



**ILLINOIS** — Under a pilot program that began Jan. 1, some Chicago police officers have been relieved of the duty of bringing dead bodies to the county morgue. The task will be performed on the city's West Side by private contractors, in what is said to be the first step toward privatizing the practice citywide. In December, an arbitrator agreed with the police union that officers, who have been performing the duty for a century, are not trained or equipped to handle corpses and are not paid extra for the task.

Ford Heights Police Officer Michael Miller, 30, and Kevin Jones, 33, a Harvey deputy marshal, were arrested and charged with six counts of armed robbery each after allegedly sticking up suspected drug dealers on Chicago's West Side. On Christmas, the

officers and two other men had been hired to provide security at a West Side nightclub. When the club closed early, they were dismissed and allegedly decided to stage the holdup to make up for lost pay. Prosecutors say the men then went to an area frequented by drug dealers, approached some of them, patted them down and grabbed cash from their pockets. Chicago police arrived on the scene after witnesses call 911.

**INDIANA** — Raymond Matthew Gilkeson committed suicide after fatally shooting Mishawaka police Cpl. Thomas Roberts and Patrolman Bryan Verkler. Early on Dec. 13, the two officers had responded to a report of shots fired and then learned that an armed man had taken a necklace and fled to a nearby home. They were killed during a scuffle as they tried to arrest Gilkeson. Roberts, 43, was a 14-year veteran; Verkler, 27, had been with the department for two and a half years.

The Lake County prosecutor's office is likely to seek the death penalty against Darryl J. Jeter, a 19-year-old Chicagoan accused of killing state Trooper Scott Patrick. The trooper was fatally shot during a gunfight after answering a call about a car driving with more than one flat tire. When Patrick got to the scene he found the car — which was later determined to be stolen — abandoned, and approached a man walking on an exit ramp. The exact details of the fatal shooting were unclear. Jeter subsequently tried to flee but was shot by another trooper and arrested.

State troopers and conservation and excise officers will soon be receiving their first pay raises in three years. Fed up with stagnant salaries, the officers voted in December 2002 to unionize and formed the Indiana Professional Law Enforcement Association. New officers will get 5-percent raises, bringing their annual salaries up to \$32,760. First sergeants with at least 10 years experience will get 13-percent raises, to \$56,472 a year.

**OHIO** — The village of New Rome has been ordered to turn over all of its police cars to the neighboring township of Prairie. Attorney General Jim Petro is seeking to have New Rome eliminated under a new law that allows villages of less than 150 people to be dissolved if they meet two of six criteria for wrongdoing. New Rome has a longtime reputation as a speed trap, deriving about 90 percent of its \$400,000 annual budget from traffic fines.

A Xenia gun dealer is charged with illegally selling about 76 guns to 10 former and current Wilberforce University students, who are themselves charged with acting as "straw buyers" and transferring the guns to gang members in New Jersey. According to prosecutors, the gun dealer, James Dillard, knew that the students were acting as intermediaries, but was not aware that the weapons would end up in the hands of the New Jersey gang.

A new law enacted after the rape and murder of 14-year-old Kristen Jackson in September 2002 now makes information about convicted sex offenders anywhere in Ohio available on the Internet. Joel Jockey, who killed Jackson, had been classified as a sexually oriented offender for a previous rape conviction, which required that he register his address with the sheriff's office.

# AROUND THE NATION

but not that neighbors be notified.

**WEST VIRGINIA** — A bill that would require police to record a person's race, ethnicity and gender during traffic stops may deter officers from stopping motorists rather than deterring racial profiling, some police officials contend. The bill, which is currently in committee, would also require officers to record such information as the location of every stop, the alleged violation, and how any searches were conducted.



## PLAINS

**IOWA** — Sex offenders are trying to persuade a federal judge to strike down a law that prohibits them from living within 2,000 feet of a school or day care center. They say that the law will give them too few places to live in the state. The Iowa Civil Liberties Union maintains that the law makes 30 percent of Iowa towns off limits for sex offenders because they are smaller than the required distance.

Several Nevada, Iowa, police officers have alleged that Chief Mark See pointed a loaded shotgun at them. See, who has been chief since 1993, is awaiting trial on charges that he tampered with a witness. He denies pointing a gun at the officers.

**KANSAS** — Geuda Springs Mayor Ed Lacey has vetoed a 3-2 City Council resolution that would have required all heads of households to own a gun and ammunition. Supporters of the proposed ordinance say that gun ownership was important because there is no local police force.

The Wichita Police Department will take another look at whether racial profiling is a problem in traffic stops, after a 2001 study proved inconclusive. The earlier study found that nearly 21 percent of stops were of black residents even though they account for only 11 percent of the city's population. Police Chief Norman Williams said, however, that the numbers do not prove profiling exists as they do not show intent. Part of the disparity may be from the propensity of officers to concentrate on high-crime areas, which often have a higher minority population.

**MISSOURI** — A federal spending bill that awaits action in the Senate includes money to expand a methamphetamine awareness program statewide. The program, which started in Franklin County, helps educate retailers on what to look for to spot possible meth-related activity, including the sale of everyday items used in drug production. Sheriff's Cpl. Jason Grellner credits the program, which he developed, for a drop in the number of meth labs in Franklin County.

**NEBRASKA** — The city of Grand Island will stop paying an annual user fee of \$200,000 to Hall County if the county cannot make its Spillman program fully operational by April. The program, which gives officers access to information like criminal photographs, addresses and physical descriptions from laptops in their patrol cars, currently does not work in all locations. Interim City Administrator David Springer said that there are still antenna sites that

need to be set up. The system is not scheduled to be fully operational until 2006.

**NORTH DAKOTA** — An illegal alien using fake identification was arrested in West Fargo after being stopped for a minor traffic violation, because his ID turned out to be that of a registered Texas sex offender. The man, whose case has been turned over to immigration officials, said he had crossed the border illegally in Arizona.

**SOUTH DAKOTA** — The Sex Offender Location Verifier (SOLV) developed by the Rapid City police shows an improving compliance rate with the state's sex-offender registration program. In July 2002, SOLV found a 26-percent noncompliance rate in Pennington County, but in November of 2003, the rate had dropped to just 3 percent. Thirty specially trained police officers and deputies conduct address checks as part of their regular duties.



**ARIZONA** — A public memorial was held Dec. 23 in Yuma for Border Patrol agent James P. Epling, 24, who drowned after rescuing an illegal Chinese immigrant from the Colorado River. After Epling pulled a female to safety, he gave chase to other aliens and apparently stumbled into a 27-foot hole in the river. His body was found three days later with the help of an undercover camera. A suspected alien smuggler, who was taken into custody, may face charges in connection with Epling's death, as it occurred in the commission of a felony.

Retired Tucson police officer Febrionio Steven Munoz and his wife have been named in a 32-count federal indictment that accuses them of taking \$615,000 in seized drug money and filing false tax returns, among other charges. Munoz allegedly embezzled money that he seized while working with the financial remedies squad of the Metropolitan Area Narcotics Trafficking Interdiction Squads.

**COLORADO** — A spokesman for the U.S. Drug Enforcement Administration has said the agency has no intention of returning marijuana seized in a raid to a man who is registered with the state medical marijuana program. Although Routt County Judge James Garrecht has given the DEA a deadline to return the drugs, the spokesman said that state law is superseded by federal law, which does not allow for the medicinal use of marijuana.

**NEW MEXICO** — An Albuquerque-based gang has made threats against two Santa Fe police officers who disrupted what turned out to be a large drug transaction, according to Santa Fe Police Chief Beverly Lennen. She said she wanted people to know about the threats so that they could report anything unusual that might have to do with officer safety, and to let residents know that police will now have to handle traffic stops with extreme caution.

The Albuquerque Police Department is

conducting an internal investigation into the disappearance of about \$7,500 in gold coins from an evidence locker, which comes on the heels of the theft of more than \$1,000 from a police bank account. Chief Gilbert Gallegos said that the latest investigation will look into potential violations or mishandling of evidence that could include anything from theft to poor record-keeping.

**OKLAHOMA** — Authorities are searching for a man who shot and killed state Highway Patrol trooper Nikky Green, 35, on Dec. 26. Green had notified his dispatcher that he was pulling over a suspicious vehicle near the Texas state line. Radio contact with Green was then lost. When another trooper and a Cotton County sheriff's deputy went to investigate, they found Green's body on a rural road about a mile from U.S. 70.

Oklahoma City police inspector Gerald "Butch" McKenna, a 24-year veteran, shot himself to death at his desk in late December. The reason was not immediately known. McKenna was due to be honored in January by the Kiwanis Club as one of the city's police officers of the year.

Eufaula Police Chief Larry Osmond was suspended from duty after a grand jury indicted him and his wife on charges of perjury and child stealing. The couple allegedly helped hide their granddaughter from her paternal grandparents, who had been awarded custody of the girl.

**TEXAS** — Veteran Houston police officer Lance William Elliot, 34, was charged Dec. 30 with three counts of improper sexual activity and one count of tampering with a government record after allegedly allowing a shoplifter to go free in exchange for sex.

The Travis County sheriff's office will be dropping its Drug Abuse Resistance Education program and replacing it with other classes that focus on preventing drug use, avoiding gang participation, and promoting safety. The new program will cost much less than DARE, which costs almost \$400,000 a year. The four DARE officers will be reassigned to patrol.

Two recent shootings of unarmed teenagers by Houston police officers underscore the need to increase training in the proper use of force, some observers and officials say. In both incidents, they note, the officers involved made the kind of mistakes that would be reduced with rigorous and regular drills. The head of the Houston police union noted that most officers receive little regular tactical firearms training other than a yearly visit to a firing range.



**ALASKA** — State Trooper John Watson, 43, was killed with his own gun after responding to an incident in which a citizen had reported that a man had left her residence with a young woman, appearing intoxicated and agitated. Watson stopped the man, David Forster, in his driveway, and then called for assistance. The two are believed to

have struggled. Watson was shot once in the back and once in the back of the head. Forster later surrendered to police.

**CALIFORNIA** — An investigation by The San Jose Mercury News has found that much of the information in the state's sex offender registry is inaccurate, and that the state has lost track of more than 33,000 convicted sex offenders. The newspaper reported that California, which adopted a "Megan's Law" in 1996, is one of only nine states that do not put the information on the Internet. In addition, if residents do seek information at their local precincts, they are only given ZIP codes of the offenders, not their addresses.

The Los Angeles Police Department will be looking into grants and private resources to help fund the purchase of COPLINK, which joins police databases together so that information detailing arrests, 911 calls and gang members, for example, can all be searched at once. The head of the Latin American Law Enforcement Association said that the group likes the idea and will lobby businesses for the money.

Adrian Castillo Ramirez, a 140-pound convicted rapist, tried to sexually assault a 275-pound Bakersfield prostitute but she turned the tables on him, taking his knife, stripping him and parading him naked in front of other prostitutes. Castillo was charged with failing to register as a sex offender and for committing forcible sex acts on the Bakersfield woman as well as a previous victim.

Authorities said that San Bernardino sheriff's deputies will be disciplined after a man in custody killed himself with his own handgun. Ricardo Alfonso Cerna was arrested by San Bernardino police officers for allegedly shooting Deputy Michael Parham following a traffic stop. Moments after the arrest, the deputies took him into custody. In the interview room at sheriff's headquarters, Cerna pulled out a gun and shot himself. Deputies said they had assumed that police searched Cerna.

A jury has ruled in favor of the Los Angeles Police Department in a lawsuit filed by a former police lieutenant. Kathleen Ann Sheehan claimed that she was demoted in retaliation for reporting alleged misconduct by then-police chief Willie Williams.

**IDAHO** — The Idaho Chiefs of Police Association is proposing state legislation that would give officials power to prosecute high-tech peeping toms. Currently there are no laws that address the problem, and offenders like one in Blackfoot, who was caught secretly taking pictures of a woman in her home, cannot be charged or prosecuted.

**OREGON** — Bandon Police Officer Russell Simpson, 52, drowned Dec. 22 during the rescue of Zeb Leaf, 13, who had run into the water to save his dog. Simpson and Bandon Police Chief Bob McBride responded to a 911 call from the boy's mother. They tied a rope around McBride, and Simpson served as anchor while McBride swam toward the boy. Meanwhile, the Coast Guard responded and lowered a basket from a helicopter, saving Leaf. Simpson and the boy's father tried to hold onto McBride's rope, but they were knocked over by a wave. McBride was pulled back by rescuers, but Simpson drowned in the surf.

## New benefits to early-intervention systems

Early intervention systems can provide the kinds of specific data that may help police supervisors pinpoint potential sources of friction between a department and the community it serves, as well as identify officers who might be practicing biased policing, according to a study by the Justice Department's Office of Community Oriented Policing Services.

In "Early Intervention Systems for Law Enforcement Agencies," researchers found the data-based information programs to be a useful tool for attaining the goals of community policing, which demand new measures of police performance.

Traditional measures that emphasize crime are inadequate, said the study, because they tend to neglect quality-of-life issues and fail to take perceived community needs into account. Such measures are also unsuccessful at rewarding good performance by officers. An Early Intervention program can potentially reduce the number of incidents that alienate communities from police by systematically identifying and attempting to control inappropriate behavior, researchers said.

"EI systems represent a potentially effective response to the historic problems of officer misconduct and tensions between law enforcement professionals and the communities they serve," said the study.

One example provided is the ability of such programs to either confirm or refute residents' allegations of excessive force by police. If confirmed, the EI system can identify the officers involved. At the same time, it can also identify those officers who have a high volume of arrests but have not resorted to misconduct.

"An EI system provides a basis for counseling or warning an officer that his or her performance needs to improve in the future, and in successful cases, for documenting that the improvement has occurred," said the study.

The study points to early intervention systems in Pittsburgh and Phoenix which collect data on traffic stops, including the race and gender of drivers. This data makes it possible to identify officers who have stopped a suspiciously high number of racial or ethnic minority drivers, it said. Rather than use census information, the EI systems permit comparisons among officers working at similar assignments.

In one department, the study noted, a review of its EI database showed that an officer accused of stopping female drivers for questionable purposes did indeed have a high rate of pulling women over. That, plus the civilian complaint lodged against him, was enough to prompt a formal intervention.

Among the study's other findings were that the EI systems were extremely complex mechanisms that needed continuous fine-tuning and close attention from managers.

"When I started on this five or six years ago, the idea was very simple," said Samuel Walker, a criminologist at the University of Nebraska at Omaha, and the study's author. "You'd have a very simple computer program. You'd put some numbers in and out would come the officers. It's extremely difficult in terms of making decisions about what data to put in, how to analyze the data, what criteria to use, how do you select an officer who has problems. And then just maintaining the data input...it's a lot of work."

The study recommends that after a self-

assessment by the department to identify existing problems and current accountability efforts, senior command staff should be involved in the planning of the system from the earliest moment. Computer infrastructure needs should be addressed at the outset, the study said.

Walker identifies two types of systems. The first, such as the Performance Assessment Review System (PARS) used by the Pittsburgh Police Department, collects a wide range of data and can conduct analyses that show both top-performing officers and underperformers, as well as those with problems. The second type, used by departments in Miami-Dade and Tampa, collects a smaller range of data to assess only performance.

The study developed a model comprehensive personnel assessment system that includes such performance indicators as all non-lethal uses of force; all officer-involved shooting incidents; all officer-involved vehicular pursuits, and citizen-initiated complaints involving use of force or bias, with the disciplinary outcomes in each case. Citizen-initiated commendations or compliments should also be listed, as should all departmental commendations and awards, and criminal arrests and investigations of the subject officer.

Other indicators include civil suits; arrest reports; crime reports and other citations made by officers; all motor vehicle and pedestrian stops, including the race, ethnicity, gender and age of driver; performance evaluations; training history; all management and supervisory actions; sick- or family-leave records; canine unit deployment involving the officer; and failure to appear in court.

Performance-based models look at only the use of force, shooting incidents, complaints, civil suits, disciplinary actions and commendations.

Speaking of EI systems in general, Walker told Law Enforcement News: "Some people have the mistaken impression that it's like your coffee maker or alarm clock — you just plug it in and it works. It's not like that at all. You really have to be very careful about the data you're putting in and how you use it. You can't have a simple rigid formula as many systems did."

Officers working in high-crime areas where they are likely to make a lot of arrests and receive a greater number of citizen complaints than their counterparts in lower-crime districts could potentially be penalized under a more rigid system, he said.

Walker pointed to the Los Angeles County Sheriff's Department, which has a two-stage process. When the numbers reach

a certain level, a performance review is conducted.

"It may be that this is a very active officer working in a high-crime area where there is a lot of gang activity," he told LEN. "Sure, you get more than the normal amount of false reports and complaints."

In some such cases, nothing is found to be wrong with the officer. But in a case where someone is working a different assignment and there is no reason why there should be so many complaints, Walker said, that officer might be referred for intervention.

"I think initially, five or six years ago, even I'd look at the number and say, 'Boom, case closed.'"

There is surprisingly little opposition from the rank-and-file to EI systems, said Walker. While systems may first meet with cynicism and distrust, said the study, that lessens with experience and education.

"I think the managers we interviewed found once the officers understood it, that's it's not just a straight discipline system, they supported it," said Walker. "We didn't research this, but I think a lot of people feel that one of the big morale problems in policing is that good officers see bad officers going unpunished. Or no one corrects their behavior. This is a way of getting at that."

## Following latest in-custody death, Cincy police to add Tasers to arsenal

In a city where deadly encounters between police and minorities have erupted into civil disorder and violence before, Cincinnati was almost uncharacteristically quiet in the wake of one such incident in late November.

Nathaniel Jones, 41, died on Nov. 30 after he attacked one of the six officers who responded to a nuisance call from a local White Castle restaurant. Since 1995, 18 black men have died in police custody in Cincinnati.

A seven-minute long videotape from a police cruiser's camera shows an officer instructing Jones to "stay back" before Jones took a swing at one of the two officers, and his arm went around an officer's neck. Jones was knocked to the ground, and the officers fell on him. He was jabbed or struck with nightsticks as officers repeatedly ordered him to put his hands behind his back.

A preliminary autopsy report found that Jones, who weighed 350 pounds, had an enlarged heart, and blood samples showed the presence of cocaine and angel dust in his system. Jones also had bruises on his right calf, thigh and buttock, but there was no evidence of "transmission of force to internal organs," the report said.

The officers involved, five white and one black, were placed on paid administrative leave. Jones's death is being investigated by police and by the city's Citizen Complaint Authority, an agency created out of the consent agreement Cincinnati reached with the U.S. Justice Department in 2002.

Observers believe that the release of the cruiser videotape was a factor in quelling any potential disturbance over the incident.

"Getting that on tape and getting the information out quickly and openly, so people can see what happened, is essential," Ken Cooper, a consultant on police use of



Malik Shahazz (l.), national chairman of the New Black Panthers Party, and Hashim Nzinga (c.) talk with Cincinnati police officers as they led a group of more than 200 protesters through the city's streets following the death of Nathaniel Jones in police custody.

(Reuters)

force, told The Associated Press. While some were outraged by the seven-minute video, he noted, others saw Jones attack the officers.

In 2001, Cincinnati was rocked by riots that followed the fatal police shooting of a teenager. Accused of delaying the release of information after the death of 19-year-old Timothy Thomas, city officials said they worked more quickly to get out the details in the Jones death.

"It seems to me we are always trying to blame someone else," said Sam Devgan, a deli owner who was interviewed by The Dayton Daily News, "but in the video, you can hear (officers) say, 'back off, back off.' Laying a hand on a police officer, it's not good, I think. When police tell you to put

your hands down, do it."

In the aftermath of Jones's death, the City Council voted 6-3 in December to use a federal grant of \$745,000 to begin buying 900 Taser stun guns for officers.

"It's an option that our police and citizens deserve," said Mayor Charlie Luken, who pushed strongly for adoption of the less-lethal alternative.

### ERRATA:

The interview with Renae Griggs, founder of the National Police Family Violence Prevention Project, in the January 2004 issue of LEN, was conducted by Peter Dodenhoff. The byline was inadvertently omitted. We regret the error.

# One year later, Bratton's honeymoon in L.A. continues

It appears that Los Angeles Police Chief William Bratton will have to continue to do more, if not with less, then with the same thinly stretched force, after a plan to expand the police department by 320 officers was deferred in December by the City Council in the face of crushing budget woes.

Bratton completed his first year of a five-year term in October with an outstanding report card from the city's Police Commission. As one City Council member put it, the "honeymoon" with the brash Boston native continues.

While the chief has his critics, like those who complained that efforts to clean up Los Angeles' skid row amounted to a criminalization of the homeless, Bratton has a lot more supporters at the local, and even federal, level. In the past year, he has overseen a drop in the homicide rate of 23 percent, just short of the goal of 25 percent he set back in April after just six months at the helm. The city's murder rate dipped to 506 last year — 139 fewer killings than in 2002, and the lowest figure since 1999.

A mid-December tally found that gun violence was down by a double-digit percentage as well. Reported shootings fell by more than 1,200 compared to the same period a year earlier. There were 532 fewer shooting victims in 2003.

Bratton believes the numbers can continue to decline by squeezing greater efficiencies out of the department and its 9,200 officers.

"There is a saying that the LAPD is an organization capable of doing anything but incapable of doing everything," Bratton said during a presentation to the City Council in October. "We've been expected to do everything. We can't. We are using a motto that the LAPD is doing better, but better is not good enough. My own sense is we are not where we need to be. It's been a good year, but we still have a ways to go."

During his first year in Los Angeles, he has focused the department on fighting gang crimes and implementing the mandates of a federal consent agreement.

"We are nowhere where I'd like to be" in reducing gang violence, Bratton told the City Council. "I don't think that even with all the changes we've made in the past year, that we've really gotten a handle on this problem."

Toward that goal, personnel have been redirected to South Los Angeles, where the overall police strength has been increased to 1,300 from 1,100 and specialized gang units have been deployed. Bratton also added sworn personnel in the San Fernando Valley and on the city's Westside. The department's gang and narcotics units, which were in a poor state in the aftermath of the Rampart Division scandal, were also reinvigorated. Arrests in those units increased by more than 50 percent in one year, and the gang unit tripled its output compared to 2001.

Not everyone would agree, however, that the effort has been effective.

In November, a 110-page quarterly report issued by federal monitor Michael Cherkasky praised the department's management for making "swift and meaningful improvements in its training, among other areas. At the same time, however, the report was particularly stinging in its criticism of the gang unit, saying it was in an "abysmal state."

Just hours before the scathing review was released, Bratton announced a shake-up of his top command staff, and of the division which investigates deadly, officer-involved shootings.

Cherkasky's report stated that he was "extremely concerned with deficiencies uncovered in the Critical Incident Unit. Evidence suggested that sometimes only statements supporting the shooters were used, he said, and in some cases, those that were negative were omitted.



Having recently marked his first anniversary in office, Police Chief William Bratton briefs the press during a recent summit conference on gangs, hosted by the L.A.P.D.

"There is no question that we must ensure the highest-quality investigation possible in these critical events," Bratton wrote in a memo to Deputy Chief Michael Berkow, who heads the Professional Standards Bureau. "These investigations must withstand the strictest possible scrutiny from multiple sources."

To that end, Bratton ordered that the division be led by internal affairs managers instead of detectives to eliminate the "appearance of bias."

Bratton said the department's counterterrorism bureau would be renamed the Critical Incident Management Bureau. The Special Investigations Section, which had come under fire after an incident in which two robbery suspects were fatally shot, will be moved from the detective bureau to the enlarged counterterrorism operation.

Bratton had also ordered the reshuffling of senior command staff, but that may be put on hold due to a decision by the City Council. Under the plan, Berkow was named as Bratton's chief of staff. Assistant Chief Jim McDonnell, head of operations, was named his second-in-command, responsible for running the department when Bratton is

away. McDonnell will also oversee personnel and training groups, the police academy and risk management. Operations will be overseen by Assistant Chief George Gascon, the department's highest-ranking Latino, who had been running personnel and training.

Assistant Chief Sharon Papa's purview expanded as well, to include technology and other support services.

In December, the City Council, in addition to imposing a cap on hiring, eliminated funding for the reorganization of the top brass. Bratton can order the reassessments, but cannot increase pay.

Bratton has been outspoken on what a tremendous obstacle understaffing has been and has pressed for a ballot measure that would raise taxes to hire more officers.

"When I was [police commissioner] in New York, I would have 150 cars out for 48 square miles," Bratton told The Daily News of Los Angeles. "On any given night, here I have 158 cars out for 470 square miles. That tells you a lot."

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## Chicago desk jockeys hit the streets

### Increased police presence to target open-air drug markets

Every day for the next few months, 200 Chicago police officers — many of whom now sit behind desks — will sit in squad cars in the middle of the city's open-air drug markets as part of a new strategy for waging war on narcotics and gangs.

As many as 1,000 additional officers will be dispatched to the streets each week, with officers taking their turns once a week out of every five at Chicago's 100 top hot spots.

"Half of our homicides every year are somehow related to drugs and gangs," Michael Bayliss, a spokesman for the department, said in an interview with Law Enforcement News. So to the extent that we could disrupt that activity, we hope to reduce violence. One way...is enhancing our visibility right in the midst of open-air drug markets, which seem to be the areas where violence takes place."

According to police data, 74 percent of all murders took place outdoors during the first nine months of last year.

Target areas will be chosen by evaluating street intelligence, monitoring calls for

service related to narcotics sales, and by using the department's computer-analysis system called CLEAR, short for Citizen Law Enforcement Analysis and Reporting.

The program holds entries on more than 4 million arrestees dating back 12 years. Each entry has more than 30 data points, including name, address, age, nicknames and tattoo descriptions.

"We're trying to squeeze as much out of our resources as possible," said Bayliss. "This is just another creative way we're talking about it."

The tactic is one of a number of initiatives implemented by Superintendent Phil Cline since he took the top post in October. Cline said he would put into action two proven strategies used in the past by the agency: building street-corner conspiracy cases, and increasing Operation Double Play missions.

Homicides were down 7 percent through December 2003 compared to the same period the year before — 587 as compared to 629. The department recorded 646 killings overall in 2002. In fact, the city is on target

for having its lowest number of homicides since 1967. There were also 700 fewer shootings last year.

In a street-corner conspiracy investigation, police develop a case against narcotics operations by identifying everyone in the organization, from lookouts to sellers, all the way up to the leadership ranks. Since 1998, more than 50 cases of this type have been built against 1,700 defendants by the department. Ninety-seven percent of the defendants were convicted.

Under Operation Double Play, narcotics teams arrest drug dealers, and tactical officers posing as dealers take over the location. Since August, 2,966 customers have been arrested this way, and 1,178 cars seized. Seven out of every 10 arrestees are from the suburbs or outside the community.

"Overwhelmingly, the people who buy drugs in these communities do not live in them, but they contribute to the violence that takes place so they must be held accountable," Cline said in a statement.

## New era in Omaha

Ultimately, only one of the three finalists for chief of the Omaha Police Department could be chosen, so in an unusual, almost Solomon-like move, Mayor Mike Fahey appointed **Thomas Warren** to the top job, then promoted his two rivals to deputy chief, ushering in what he called a "new millennium" at the agency.

The 42-year-old Warren, whose appointment was announced in November, is the first African American to serve as Omaha's



**Thomas Warren**

*Committed to the community*

police chief. His two new deputy chiefs, **Don Thorson** and **Eric Buske**, will join Deputy Chief **Brenda Smith** in the upper echelon of the 764-officer force.

With the new faces, Fahey told *The Omaha World*, the city would "build a smart, modern police force dedicated to protecting and serving the citizens of Omaha."

Warren has an abiding commitment to community policing, something he shares with Fahey. Unlike those in many other cities, Omaha's chiefs do not serve at the pleasure of the mayor, but are protected under civil service rules.

Still, no chief has lasted in Omaha longer than 10 years in more than two decades. Warren replaces **Don Carey**, who left after just under five years to take command of the Melbourne, Fla., Police Department.

A 20-year veteran who had most recently been commander of the department's northeast precinct, Warren came with high marks from the community. He involved residents in decision-making processes as captain there, and supported their efforts to improve their neighborhoods.

Community groups and social service agencies will play a greater role in problem-solving under his leadership, said Warren.

"Personally, I believe they'll derive more satisfaction from their work when they see the benefit of proactive policing," he said.

Said James Brewer, president of the Binney Wirt Spencer-Florence Mills Neighborhood Association: "I know Tom. He's an excellent individual. I just hope that the citizens of our community will give him the opportunity to do his job as a police chief, not as a black police chief."

Warren once served as the department's polygraph operator. Much of his experience prior to this year had been in personnel and internal affairs. He is also the brother of

former City Councilwoman Brenda Council, who ran for mayor in 1994 and 1997.

Thorson, who like Buske and Warren is also 42, joined the force in 1981. He commanded the criminal investigation bureau from October 1998 to March 2003, and was promoted to captain in July 1996.

Buske joined the department in 1984 and became a captain in February 2002. He succeeded Thorson as the head of the CIB. Before that, he was captain in overall charge of the department's late night shifts.

## The knock on Norris

Pleading not guilty in December to charges that he misused police funds on liquor and extramarital affairs while serving as Baltimore's police commissioner, former Maryland State Police superintendent Edward Norris said he looked forward to having his day in court.

Norris was indicted along with his one-time chief of staff in Baltimore, John Stendrini, under a statute that allows federal prosecutors to pursue corruption cases when local agencies receive federal grants of \$10,000 or more. The two are accused of misusing more than \$20,000 from an account created from three charity funds set up to benefit police officers.

Norris resigned from the state police job hours after the indictment was unsealed, stating that the agency needed a leader who was not distracted by legal issues.

While there are no written guidelines for the use of money from the account, the indictment states that it was meant to be used for the benefit of the police department. Norris and Stendrini allegedly used false authorization letters to make 40 withdrawals from the fund.

Norris, 43, is also accused of causing the city to incur excessive overtime expenses by using police to transport women with whom he had extramarital encounters. He is said to have carried on these liaisons in Baltimore and New York with at least six women. The state has also accused Norris of using a \$9,000 loan from an employee for a down payment on his home, but then stating that it was a gift from his father on the mortgage application from the municipal employees' credit union.

"I look forward very much to my day in



**Edward Norris**

*Awaiting his day in court*

court, and right now my wife and I are leaving to figure out what we're going to do next," Norris said outside the courthouse.

What happens next includes a U.S. Supreme Court challenge to the law under which Norris was indicted. The challenge, based on a Minnesota bribery case, is scheduled for oral argument in March.

If Norris is cleared, Gov. Robert Ehrlich said he could be reinstated. A trial date has been set for June 28.

Norris came to Baltimore from the New York City Police Department, bringing with him the NYPD's Compstat crime-fighting approach. During his tenure, Baltimore experienced sharp declines in its crime rate.

If convicted on all charges, including conspiracy to misapply funds, misapplication of funds and making a false statement in a mortgage application, Norris would face a maximum sentence of 45 years.

## Hart failure

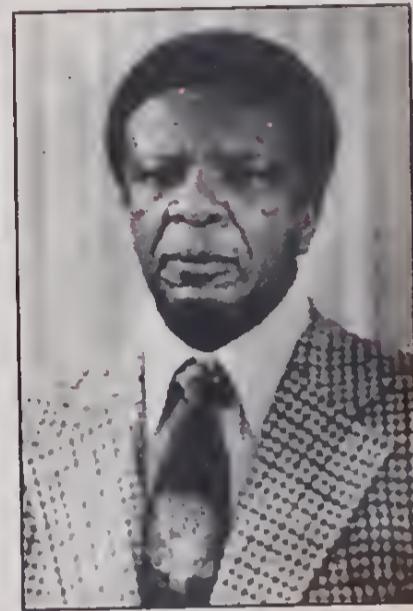
Although his long law enforcement career ended in shame and imprisonment, Detroit's first black police chief, William Hart, is remembered by those who worked under him as a man of compassion and dignity. Hart, 79, died of heart failure on Nov. 24.

Hart joined the department in 1952 after working in the Pennsylvania coal mines. Known earlier in his police career as the "man of a thousand faces" for his uncanny

ability to infiltrate any criminal organization, he was named Detroit's chief in 1976.

But in 1991, a federal grand jury indicted Hart for embezzling \$2.6 million from the department's drug enforcement fund. Convicted and sentenced to 10 years in jail, he served seven at a prison camp in California before being released to a halfway house in 1999.

Following his release, Hart became a shoe salesman for a time at Sibley's Shoes near



**William Hart**  
*Motor City pioneer*

police headquarters, but frail health eventually forced him to live with one of his two daughters, Jennifer Hart, in New Jersey.

"He swore to the day he died, which was today, that he didn't do this," she said. "And I believe him, and the family believed him."

Former police Cmdr. Judy Dowling, a friend to Hart and his wife when he became chief, told *The Associated Press* that she did not know whether he was guilty or innocent.

"I think the only one who can truly know and judge, he'll be meeting soon if he hasn't met him already," said Dowling. "I think he trusted the system to exonerate him and was surprised when it didn't."

Hart was convicted along with **Ken Weiner**, a confidant to then-Mayor Coleman Young who was appointed as a civilian deputy chief. Federal authorities first drew a bead on Weiner, Hart came under scrutiny later.

"Despite Bill Hart's problems, he was a man of great compassion," said Farmington Hills Police Chief **William Dwyer**, who served as his chief of staff. "He had

## Getting the point

Homeland Security Secretary Tom Ridge (l.) shows the first foreign airline passenger where he is to be fingerprinted by Customs Officer Mary Armbrust at Hartsfield-Jackson International Airport in Atlanta on Jan. 5, after the official launch of a Homeland Security program to fingerprint and photograph all foreign visitors with non-immigrant visas.

(Reuters)



compassion for the men and women of the department. He truly loved this city."

Dwyer's view was seconded by current Detroit Police Chief Ella Bully-Cummings, who issued a statement saying: "Chief Hart was a very hardworking man who was compassionate about the men and women of the Department and loved Detroit. Those that knew him and worked under him are saddened to learn of his family's loss."

## Black out, woman in

After a contentious seven-year term, Arthur Jones, Milwaukee's first black police chief, was succeeded in November by the city's first female chief, Nannette H. Hegerty.

The 57-year-old Jones had pressed to have his contract renewed. His non-reappointment was retaliation, he said, for a racial discrimination suit he filed in June 2002 with the Equal Employment Opportunity Commission, accusing the city's Fire and Police Commission and Mayor John Norquist of bias.

"It obviously has nothing to do with my qualifications to run the Milwaukee Police Department based on reductions in crime, fiscal responsibility and overall management skills," Jones told The Associated Press. "It has nothing to do with that."

While there was "reasonable cause to believe" that Jones had been discriminated against, the EEOC said last May, it made no finding on his claim.

Jones has filed another complaint against the Fire and Police Commission, saying it retaliated against him by not renewing his contract. He also kicked off a campaign for mayor, saying that he would run the city "as efficiently and effectively" as he did the police department.

Jones said that none of the other announced candidates — Common Council president Marvin Pratt, former U.S. Representative Tom Barrett and Milwaukee County Sheriff David Clarke — had ever run a city agency. "I don't want to start mentioning names because that's not the kind of campaign I want to run," he told The Milwaukee Journal Sentinel.

The rancor between Norquist and Jones intensified to the point where the interim dean of Marquette University Law School last year offered to broker a professional mediation session in which each could lay out his grievances and look for common ground.

One of the incidents that prompted the proposal was an order by the Norquist-appointed Fire and Police Commission that Jones come up with a written crime-fighting strategy. Jones viewed this as a racist affront, and accused the mayor of not caring about the black community.

Jones was present at Hegerty's swearing-in ceremony to congratulate the new chief. Hegerty, 53, had been the city's first female captain and had previously headed a U.S. Marshal's Service office.

Prior to becoming the city's 17th chief, Hegerty was a captain in command of the Milwaukee P.D.'s Sensitive Crimes Division. A police officer since 1976, Hegerty was promoted to sergeant in 1987 and to lieutenant in 1990. In 1994, President Bill



Winston-Salem Police Chief Linda Davis greets President Bush during a presidential visit to the North Carolina city in 2002. (White House photo)

Clinton appointed her as U.S. Marshal for the Eastern District of Wisconsin, a post she held until 2002, when she returned to the police department.

Growing up during a time when women were not sworn members of the police force, Hegerty said, "I always thought that would be a neat job but it couldn't be at the time."

Now that she is the city's top cop, among the changes she would like to make is giving local police districts more authority over internal investigations. She has shuffled top management, recommending to the Fire and Police Commission that Lt. Eric Moore be promoted to captain. Moore, who is black, had filed a federal discrimination complaint charging that Jones had refused him career opportunities because of his association with whites.

"I don't know why Chief Jones did not promote him," Hegerty said. "Every chief of police gets to decide who fits in best with their management. Eric Moore will fit very well into my management team."

beats aimed at putting more officers on the street. One of the first things Davis did after becoming chief was to make promotions to supervisory posts that had been vacant for more than a year.

But Davis came under fire in September about her hiring practices. Members of the city's police union accused her of watering down standards and allowing the department to recruit applicants who had smoked marijuana and who had not passed the firearms proficiency exam.

Davis countered that she waived Winston-Salem's drug policy for two applicants based on a review of their entire files and the quality of their references. She said that rookies who did not initially meet the department's firearms standard score, which is 10 percent higher than that required by the state, were tested again after 30 days.

"I feel that she will be remembered also for being able to take a stand on what she has felt has been right, and may not have been popular, but what was right for the community," said City Council member Vivian Burke, who heads the public-safety committee.

## A career of firsts

From department secretary to chief, Winston-Salem, N.C., Police Chief Linda Davis has done it all. Now she is saying goodbye after 34 years with the department.

Davis, 56, will leave at the end of the month. She was the agency's first female patrol officer, as well as its first sergeant, lieutenant, captain, assistant police chief and chief. Retiring in 1998, Davis was lured back as interim chief the following year when Chief George Sweat left to head the state Department of Juvenile Justice and Delinquency Prevention. Davis's appointment was soon made permanent.

"It's been a wonderful career," Davis told The Winston-Salem Journal. "I have a feeling of accomplishment and a feeling of satisfaction at what we have accomplished."

Lee Garrity, the assistant city manager for public safety, was not sure how much Davis's retirement pay would be, but said most officers receive between 100 percent and 115 percent of their take-home pay. Davis earns \$123,355 a year, plus an annual longevity bonus based on her many years with the city.

Under her direction, the department last year began a new system of scheduling and

first shot, as far as I'm concerned, in the war over who is going to control the police department," a sergeant who wished to remain anonymous told The Hartford Courant. "It will come to who has the political juice."

Under the revised charter, Erdmann's position was eliminated, but he remains in city government as a mayoral appointee with the title of chief operating officer.

Some officers have questioned whether Erdmann had the authority to block Marquis's transfers and promotions. The charter gives the chief command of the department and the power to assign its members to all posts, shifts, details and duties, but it also gives the manager the authority to "supervise, direct and control the operation of all departments and agencies under his jurisdiction."

Although morale was poor under Marquis's command, observers say, he is credited with bringing accountability to a Hartford department that had been wracked by scandals. During his tenure, more than



Marquis

200 officers were disciplined for violations ranging from failing to wear clean uniforms to sexual assault and petty theft.

The city's homicide rate, however, soared this year. In 2002, there were 25 homicides. With a

month to go in 2003, there were 44, including 16 victims of a deadly nursing home fire last February. Officials also criticized Marquis for not doing enough to forge better relations with the community.

His supporters say that Marquis was not given the resources to do the job. While the department has an authorized strength of 420, the actual number is around 380 due to officers who are on suspension, medical leave or military leave.

The president of the Hartford Police Union, Officer Gates Landry, said of Marquis: "Had he been supported from city hall, he would have been able to accomplish what he set out to do. But they just kept cutting away at his resources, and it made it very frustrating for him."

"In all honesty, I feel like I'm leaving without finishing the job I set out to do, and I don't like that," Marquis told The Courant. "If you look at my time here, you'll find that I took every problem in the department head on. We've come a long way in three years, and I think anyone who looks at the situation objectively would tell you the same thing."

Perez has declined to discuss his relationship with Marquis, but he acknowledged that he was not pleased with the department's pace of progress in recent years.

Marquis, who holds a doctorate and two master's degrees, previously served as chief of the 600-officer Houston Independent School District police force. The Norfolk Police Department, which has over 700 sworn officers, has been without a permanent chief since last April, when Melvin C. High resigned after 10 years to become chief of Prince George's County, Md.

Capt. Mark R. Pawlina was named acting chief in Hartford. A 20-year veteran, he had been commander of the city's South District.

## Hitting the road

Under pressure from the city's mayor, Hartford, Conn., Police Chief Bruce P. Marquis will be leaving soon to take command of the Norfolk, Va., Police Department.

Marquis, 51, said he is "bittersweet" about leaving Hartford, where he has served for the past three years, but said tension between Mayor Eddie A. Perez and himself had become intolerable.

As a result of a city charter change that took effect on Jan. 1, Perez became a "strong mayor" with the authority to appoint his own chief. Marquis said Perez told him to find a new job by that date. His appointment in Norfolk was announced on Nov. 26.

The tensions between Marquis and city officials continued even after the chief's resignation letter was submitted, with City Manager Lee C. Erdmann sharply limiting Marquis's authority to transfer, promote or reassess officers without prior approval.

The directive triggered fears within the police department that City Hall is trying to consolidate power over the agency. "It's the

# SHORT TAKES

## Seconds count

Timing is everything, according to the U.S. Supreme Court, especially the time it takes to dispose of narcotics down a drain, as opposed to the time it takes to answer a knock at the door. That was the gist of a unanimous ruling in December in which the court held that police do not have to wait more than 15 to 20 seconds after knocking to break into the home of a drug suspect.

The decision in United States v. Banks, No. 02-473, restored the drug conviction of a North Las Vegas man, LaShawn L. Banks, who was in the shower when police broke down his door. The decision marks the first time that the Justices have directly addressed the issue of how long police must wait before breaking into a home, although a specific period of time was not set.

Justice David H. Souter said that forced entry should be decided by the circumstances of each case. In the Banks case, police and federal agents had a search warrant and knew that the suspect was likely to have drugs in his apartment. The fact that Banks was in the shower, Souter said, was irrelevant.

"The facts known to the police are what count in judging reasonable waiting time," said Souter. "It is imminent disposal, not travel time to the entrance, that governs when the police may reasonably enter."

## The buck stops where?

Instead of spreading data that could help thwart future terrorist attacks among local police agencies where it could be analyzed, current efforts seem more focused on pushing such information up the ladder and into the hands of small groups of federal decision makers, according to a study by a New York-based think tank.

In its report released in December, the Markle Foundation called on President Bush to issue a series of executive orders directing the rapid deployment of an information-sharing network that could easily be used by all investigators.

The detection of potential terrorists, the report said, was hindered by jurisdictional boundaries that prevent the examination of state driver's licenses and financial transaction data.

## Sit... stay... sniff...

Researchers at Georgia Tech have come up with a device that they believe will be more effective than dogs in sniffing out drugs — and eventually explosives, and biological and chemical agents.

The device, called "Dog on a Chip," is a rectangular box that houses a computer chip. Attached to the box is a cube from which project two antenna-like tubes. These are the machine's "nose." It can detect cocaine in amounts as

minute as one-trillionth of a gram.

"This works the same way as the dogs," said Bill Hunt, the electrical engineering professor leading the project. "They're picking up on the vapors coming off the cocaine."

Unlike dogs, the machine cannot be fooled by such tactics as hiding cocaine shipments in coffee grounds to mask the odor. And Dog on a Chip would not give itself away to drug dealers by barking, as do real canines.

But police K9 handlers are less enthusiastic. Sgt. Wes Partin III of the Richmond, Va., Police Department said he found countless stashes of drugs and cash with the help of Speedy, a Belgium Malinois who has since retired.

"A machine replace dogs? You gotta be kidding me," he told The Chattanooga Times Free Press. "I'd have to see that to believe it. I don't believe a machine could ever be as versatile as a dog. They can go anywhere."

## Poison pen

More than a month after a vial of ricin, a deadly toxin, was found at the airport mail center in Greenville, S.C., officials at the federal Centers for Disease Control have found no outbreak of illness caused by exposure to the chemical, according to a report issued by the CDC. Also not yet found is a suspect, and the FBI has posted a reward of up to \$100,000 for information that leads to an arrest.

A worker at the mail facility at Greenville-Spartanburg International Airport found the envelope marked "caution-Ricin-poison" and reported it to a supervisor. Tests were done on three employees who had come in contact with the envelope, but tests showed that none of the toxin had escaped. The letter inside the envelope demanded a change in the government's policy requiring 10-hour rest breaks for truck drivers. Terrorism has been ruled out as the motive.

Ricin, a relatively easy compound to make, is derived from the castor bean plant. If inhaled or ingested, it can kill within 48 hours. There is no antidote. Symptoms include fever, cough, upset stomach and seizures.

## Silence is golden

U.S. Park Police Chief Theresa C. Chambers will invoke the federal whistle-blower law and free speech protection in a bid to keep her job, her attorney said in December.

Chambers was fired by the National Park Service after she said in interviews with The Washington Post that her force was understaffed and needed millions more in funding. The agency would eventually need to add as many as 800 officers to its current staff of 620, she said. In addition, there is a \$12-million shortfall this year, and the Park Police will need \$8 million for the coming fiscal year.

Chambers also said that having to post four officers outside each of the three major monuments on the Washington Mall was leaving the force stretched thin, and raised concerns about the continuing safety of parks and parkways.

## Let it bleed:

# U.S. appeals court to rethink DNA ruling

Does drawing blood from federal probationers and parolees for submission to the FBI's DNA database violate their constitutional protection against illegal search and seizure? That question will be carefully examined by the full U.S. Court of Appeals for the Ninth Circuit, which set aside an earlier ruling by a three-judge panel that barred the practice.

In a 2-1 decision, the panel found that although parolees have fewer expectations of privacy, they may not be compelled to have their blood extracted without reasonable suspicion of their involvement in a crime.

The ruling, handed down in October, marked the first time a federal appellate court had addressed the federal DNA Analysis Backlog Elimination Act of 2000. Before it was stayed by the full court, the ruling had threatened hundreds of criminal cases and state laws mandating DNA samples.

While acknowledging that DNA has been used to exonerate prisoners, Judge Stephen Reinhardt also voiced concern over the size of the FBI's Combined DNA Index System, or CODIS, which is open to law enforcement authorities nationwide and has been used in some 9,000 investigations, according to government figures.

Statutes that require DNA testing for databases mark an "alarming trend whereby the privacy and dignity of our citizens [are] being whittled away by imperceptible steps," said Reinhardt, quoting the late Supreme Court Justice William O. Douglas. "The fact that these statutes currently affect only those individuals most susceptible to state supervision renders this threat no less important," he said.

Reinhardt was joined in his majority opinion by Judge Richard A. Paez.

The ruling stemmed from a case involving a parolee, Thomas Kincade, who was

released after serving time for armed robbery. Kincade refused his parole officer's demand that he provide blood under the federal law.

U.S. District Judge Dickran Tevitzian rejected Kincade's contention that the demand violated his Fourth Amendment rights, and sentenced him to an additional two years of supervised release and four months in prison. The judge's decision was stayed pending appeal.

Any decision by the appellate court will affect only the nine states that make up the Ninth Circuit: Arizona, California, Hawaii, Oregon, Idaho, Washington, Montana, Nevada and Alaska.

A spokeswoman for California Attorney General Bill Lockyer said that the panel's ruling, if allowed to stand, would not undermine a similar law in that state, where the an appeals court has upheld the statute as constitutional.

According to officials, Chambers violated one federal rule against commenting publicly about ongoing budget decisions, and another prohibiting lobbying by someone in her position.

Chambers was ordered to stop talking to the press, and was placed on administrative leave prior to her dismissal.

The move has been criticized by some members of Congress. Senator Jeff Bingaman of New Mexico, the senior Democrat on the Energy and Natural Resources Committee, sent a letter to Secretary of the Interior Gale A. Norton, asking that disciplinary action against Chambers be delayed. The Park Service is part of the Department of the Interior.

## Cracking up

An employee with the Providence, R.I., Traffic Engineering Department has been renting out his city vehicle in exchange for crack; people caught driving the car have told police.

Over the past several months, police have arrested a man inside the vehicle with a large bag of crack, another with a 10-year-old child and three bags of the substance. In one case, they pursued the vehicle, which was left abandoned with the motor running. A bulletproof vest cover was found inside.

If the owner is found to have been loaning the vehicle in a drug transaction, he could be charged with conspiracy, said Lt. Thomas Verdi. So far, no charges have been filed.

## School safety

Students between the ages of 18 and 24 are less likely to be victims of violent crime than are non-students of the same age, according to a report by the Bureau of Justice Statistics.

Between 1995 and 2000, violent crime for students and non-students both groups fell by 40 percent and 44 percent, respectively. But college students became victims of violence at a lower rate per capita than did their non-student counterparts. During those years, students were victimized at a rate of 68 per 1,000 individuals, as compared to 82 per 1,000 for non-students.

With the exception of rape and sexual assault, for which there was no statistical difference, female students were far less likely to experience violent crime than were similarly aged women in the general population — 47 per 1,000 as compared to 78 per 1,000. They were also less likely to become a victim than were male college students.

In 41 percent of violent offenses perpetrated against students, the offender was perceived by the victim to have been using drugs or alcohol. The report also found that students were less likely to report crimes than were non-students, and that the vast majority of crimes against students were committed off campus.

Danger ahead:

# Domestic homicide tipoffs may be missed

Domestic violence investigators and victims' advocates could be overlooking potential homicide victims if they focus only on those women who have experienced prior physical abuse, according to a new study which found that less overt elements, including controlling behavior, stalking and social isolation, were often precursors to near-lethal attacks.

Researchers from the Johns Hopkins University School of Nursing recruited 30 participants from among 182 women who had survived murder attempts. They had been part of a larger, 11-city project that had compared data on those women and ones

who had been murdered by intimate partners, with those in violent relationships who had not had attempts made on their lives.

In addition to identifying new patterns, the study, which was published in the November issue of the *Journal of General Internal Medicine*, also sought to document the presence or absence of the 15 known risk factors found on the Danger Assessment, a tool for measuring potential lethality developed in 1985 by the current study's lead author, Jacquelyn Campbell.

Among the findings in "Could We have Known? A Qualitative Analysis of Data from Women Who Survived an Attempted Homicide by an Intimate Partner," was that the intensity of violence and control varied greatly, as did the perception of its severity. In many cases, participants considered violence a normal part of life. Some seemed to be focusing more on other aspects of the relationship, such as infidelity, alcohol, drugs and money, rather than the abuse. When they chose to end the relationship, it was often due to reasons other than violence, the study noted.

"I think the most important thing to reiterate is that the No. 1 risk factor for intimate-partner homicide of women is prior domestic violence," Campbell told Law Enforcement News. "All the other risk factors are on top of an already abusive relationship."

Only two of the 30 participants reported no prior instances of abuse or control during the relationship.

"The other most important finding is this combination of a gun owned by the perpetrator beforehand, and estrangement where the woman has left," she said. For some men, particularly those that are highly controlling, she said, it is the "ultimate loss of control."



**Controlling behavior, stalking and enforced social isolation may be precursors of lethal domestic violence.**

"From a community perspective, the one demographic that continues to hold true is unemployment of the batterer," Campbell told LEN. "It is unemployment that may tip the scales toward a desperate situation."

Campbell further speculated that the disparity seen in domestic homicides between blacks and whites may be due to greater unemployment in African-American communities. "I think that's an important thing for communities to think about in terms of the importance of having jobs available," she said.

Participants in the study ranged in age from 17 to 34 and lived in six cities — Baltimore; Tampa; Portland, Ore.; Houston; Wichita, Kan., and Kansas City, Mo. Thirteen were black and 14 white; the others were categorized as Latino or other. They were all attacked between 1994 and 2000. Researchers interviewed them five months to two years after the incident.

Twenty of the women had a history of repeated physical or sexual abuse, while five described episodes of minor violence, such as being pushed once years earlier. Five others had no history of abuse. Yet 25 of the 30 women reported that their partners had stalked them, or were extremely jealous.

One woman described her break-up with her partner as calm. The man, she said, was possessive, but a "gentle giant." There had been no prior abuse or violence in the relationship. When he asked to meet as friends, she agreed without hesitation. He came to her home, tied her up, and beat her for 12 hours.

"At this extreme, the problem comes when providers assume all attacks are predictable," the study noted. Nearly half the victims told researchers that they were surprised by the attack. Said one participant: "I didn't really realize what big trouble I was in until I was to the point of where I thought I was going to die."

Campbell believes that police should be aware that while the risk factors for lethality may overlap, they are not exactly the same as those for re-assault in domestic violence cases. For example, a prior record of drug or alcohol abuse is not as important as some of the other factors. Potentially deadly partners can have a somewhat different profile than what investigators see as likely perpetrators, she said.

In murder-suicides, which make up 29 percent of these types of cases, said Campbell, the man is likely not to have a history of violence, and is more likely to be better educated.

"Police need to be really careful about not [relying] on their experience with what the criminal type tends to be, and assume that is always the most dangerous of domestic violence cases," she told LEN. "These issues of estrangement and control are specific to domestic violence."

## *"If you leave me, I'll kill myself (but you first)"*

Nearly half of the perpetrators of domestic homicides end up committing suicide, according to a study by the Iowa attorney general's office.

The analysis looked at 82 perpetrators over a period from 1995 through mid-2003, and found that 39 killed themselves — usually with a gun.

Marti Anderson, director of the crime victim assistance division for the attorney general's office, observed: "When a person says, 'Don't leave me or I'll commit suicide,' what they're probably saying is, 'Don't leave me or I'll kill you and commit suicide.'"

Anderson conducted the study, which also found that the number of women killed in domestic-violence homicides has leveled off, with seven women killed in 2002, compared to 11 in 1998.

## Time capsules

A look back at events of 25 years ago — January 1979 — as reported in Law Enforcement News.

♦ New York State's controversial Rockefeller drug law, considered the nation's toughest, withstands a challenge in the U.S. Supreme Court, when the justices, with just two dissenting voices, refuse to hear an appeal from two women who were sentenced to up to life in prison for selling small amounts of cocaine.

♦ The oft-criticized Law Enforcement Assistance Administration, the nation's primary criminal justice funding agency, continues to operate without a permanent administrator after prominent criminal justice scholar Norval Morris withdraws from consideration for the post amid tough opposition from Senate conservatives. Morris, whose advocacy of national gun control made him a bête noir of the National Rifle Association, was the author of "The Honest Politician's Guide to Crime Control," which called for the elimination of criminal penalties for some so-called victimless crimes. Acting LEAA administrator Henry S. Dogin says the public should lower its expectations vis-à-vis the agency.

♦ The New York City Police Department considers an offer by city officials to buy soft body armor for all sworn personnel, following an incident in which a transit police officer was saved when his bulletproof vest, purchased with his own money, stopped an assailant's shotgun blast at point-blank range. Police Commissioner Robert McGuire said he wanted the department to study "which vests are the best and also whether or not

police officers would wear them."

♦ The FBI reports that serious crime remained relatively stable during the first nine months of 1978, compared to the same period a year earlier, although the news was tempered by 6-percent increases in both forcible rapes and aggravated assaults.

♦ The Federal Aviation Administration partially revises its anti-hijacking strategy, canceling a requirement that an armed guard be stationed at every airport screening point, and thereby freeing the security officers to patrol at random. The FAA's chief of security calls the change a cost-efficiency measure aimed at promoting officer flexibility to other airport crimes. He said the move would not diminish efforts against air piracy.

♦ A study funded by the Law Enforcement Assistance Administration concludes that many convicted sex offenders, including rapists and child molesters, can be successfully rehabilitated through "soundly planned, staffed and administered treatment programs." The study also found that there were too few programs nationwide to treat such offenders, and that the typical sex offender was generally treated the same as any other jail or prison inmate.

♦ A new system allows New York City police to send arrest fingerprints to a state criminal history database in Albany, 150 miles away, in about 45 seconds through the use of laser transmission. The old method of transmitting the fingerprints took about 14 minutes.

# Police groups divided over immigration role

Continued from Page 1

spokesman for the Florida Highway Patrol, there are 40 troopers who have been deputized. A smaller number had received training from the Immigration and Naturalization Service in the late 1990s, he said, because of a large influx of Cuban and Haitian refugees entering the state at that time. But the agency has not had a great deal of work in the past year, and even then, its involvement has been limited.

"Mostly we'd be called in to either help round people up...that kind of thing," Howell told Law Enforcement News. "We haven't done a whole lot of arresting of anybody.... We had our people certified in the INS way of doing things, mostly to insure that we were protecting the rights of the people we were dealing with, and making sure we were doing the right things with respect to law enforcement, and not going above or beyond anything."

The patrol is unlikely to deputize anymore troopers, said Howell, because it has had such a narrow response thus far.

On Oct. 3, 21 Alabama troopers completed a five-week federal course in immigration law. While it is still too early to assess their impact, their agency appears pleased with the results up to this point.

There have been seven or eight incidents in which the troopers have been involved, said Martha Earnhardt, a spokeswoman for the Department of Public Safety.

"Alabama's approach is, these troopers perform their duties, they're still state troopers, they're not immigration officers and they serve in the capacity of immigration officers in the performance of their regular duties," she told LEN. "It's not a task force approach, it's not a proactive approach. Their contact is based on state probable cause."

The troopers are assigned to both the highway patrol and the driver's license division. They also serve as a resource for other officers dealing with immigration matters, said Earnhardt. Most of the cases so far have concerned illegal residents trying to obtain driver's licenses with forged documents. In one case it was a Thai national, in another a Korean who turned out to be a convicted felon.

Troopers also discovered 13 undocumented aliens in a van during a traffic stop. Another stop found an individual who had been deported in 1999, but had made his way back into the U.S., said Earnhardt. He has been detained for federal authorities.

## On the lookout

A Georgia Department of Transportation sign alerts drivers to be alert for the sport utility vehicle driven by Jerry William Jones, who was wanted for murder and kidnapping. A tip to 911 from a motorist led to a police chase that ended just over the Tennessee state line, when Jones wrecked his vehicle and shot himself in the face. He was expected to survive. The three young girls he allegedly kidnapped were recovered unharmed. (AFP/Getty Images)

*"We don't envision ourselves being involved in task forces to go and raid chicken plants and Wal-Marts."*

— Col. W.M. "Mike" Coppage,  
Alabama Department of Public Safety

"Alabama has looked at this program here as an additional resource for troopers and for driver's license personnel in service to the state," she told LEN. "It seemed the training and authority that these officers have been provided [has been] a means for them to do their job better."

Among those agencies saying that their officers will not participate in any immigration training or enforcement is the Los Angeles Police Department. A spokeswoman told The New York Times that department policy for the past 25 years has prevented officers from asking about someone's immigration status, or from turning otherwise law-abiding immigrants over to federal

authorities.

The CLEAR Act is opposed by the California Police Chiefs Association, which has voiced concerns that police would lose the trust of immigrant communities.

The Los Angeles County and Orange County sheriff's departments said they were interested in the training but for limited purposes. In Los Angeles, officials said they would like to see training for deputies that would help them identify prisoners who are illegal immigrants so they can be deported after they serve their time. Orange County wants to enhance officers' skills for its homeland security unit.

Col. W.M. "Mike" Coppage, who heads

the Alabama Department of Public Safety, has been speaking with Latino community groups to explain the program. Alabama has been experiencing double-digit growth in its immigrant work force.

"We don't envision ourselves being involved in task forces to go and raid chicken plants and Wal-Marts," he told The Times.

Prior to the training, troopers were unsure of what to do when they stopped a suspected illegal alien. Said Maj. Patrick Manning, who commands the highway division: "It really does not matter whether a person looks Hispanic, or speaks Spanish or English. Whether it's a Bubba with a still in the woods who's got something to hide or an undocumented alien, the question is, is there some criminal act?"

The problem for law enforcement, said Florida's Howell, is that putting more of a burden on top of an already overloaded county system can cause a problem.

"From a law enforcement standpoint, there's a lot more for us to do, but we also recognize the importance of patrolling our borders," he said.

## Faster than a speeding bullet, FBI ballistic test may land on the rocks

Continued from Page 1

"That's what's been happening with bullets," he noted. "That because two bullet samples are analytically similar, they therefore must have come from the same source. You don't have to have a scientific background to understand how that is a real stretch, a conclusion without any scientific data."

The same lead that is used for bullets is also used for car batteries, said Tobin. While the stringent specifications used for car batteries are perhaps not necessary for bullets, it does not mean that the 10 percent of lead used for them is then "un-engineered" or made "sloppier," he said.

"What you basically have is the producers of car-battery lead all standing on a firing line in a shooting range," Tobin told LEN. "Everyone is shooting at the very small bull's-eye target as far as composition ranges go. It's only statistically and metallurgically expected you're going to have many, many bullets that all these producers make going through this same hole," he said.

One premise that has existed and been

allowed to be promulgated in court, Tobin added, is that every source of lead is unique, that no two are compositionally similar.

"We have disproved that," he said.

And there is another problem, Tobin noted. When bullets are packaged, the lots are not scattered across the United States. Wal-Mart and K-Mart, he said, are the two biggest users of .22-caliber bullets — the cartridge which "drives the industry," he said. The lots are shipped to warehouses on pallets, then distributed to stores. Distribution data is jealously guarded by the bullet-manufacturing industry, said Tobin. Neither the FBI nor the NAS had had access to the data directly.

"It's been my contention...there is an extremely high likelihood of regional concentrations of specific compositions," Tobin said.

To test his hypothesis, Tobin last year sampled the bullets at the Wal-Mart in Fredericksburg, Va., and all of the available bullets in Juneau, Alaska.

"In Juneau, innocent purchasers would have no chance whatsoever of purchasing

compositions that were not incriminating," said Tobin. "At the Fredericksburg Wal-Mart, I found the same compositions on the shelf for three out of five months. An innocent purchaser had no chance but to buy incriminating compositions [and] they're on the shelves for months and months."

At the present time, Tobin asserted, the only significant, scientifically supported forensic value that bullet-lead comparison has is that it indicates that an individual from the local region more than likely committed the shooting, or purchased the bullets.

"That is consistent with known criminal demographics because transients account for probably less than 2 percent of all shootings or homicides," he said.

Daniel Dodson, a spokesman for the National Association of Criminal Defense Lawyers, said his group would urge its members to aggressively seek appeals in cases where the bullet-lead analysis was used as evidence. "There are people sitting in jails who were wrongly convicted because of this junk science," he said.

Barry Scheck, the association's president-elect, said: "The FBI should go through its own case files and reopen every case where this kind of analysis was done."

Simon Cole, an assistant professor at the University of California, Irvine's School of Social Ecology, said the findings "hammer home two lessons about forensic science." The first is that scientists tend to testify first and do the science later, and that the answer to whether lead-bullet analysis was scientifically relevant could easily have been answered by the gathering of empirical data, yet it was not until recently.

"What's particularly interesting about this is first of all, the FBI started testifying about this back in the 70s," he told LEN. "The whole thing is backwards. You testify first, and then you do the National Academy report 30 years later, in which you find that this testimony shouldn't be given? I think that's symbolic of what's going on in a lot of forensic science."



*A ratings game:*

## "Pay-for-performance" plan under fire

Police in Roanoke, Va., are seething over the city's rejection in December of some 135 separate grievances filed the previous month to protest a performance-incentive program they claim has been unfairly applied.

The move is the latest in an ongoing struggle between officials and the department's rank and file over the new evaluation plan. The Pay for Performance program was established in 2001 shortly after City Manager Darlene Burcham took office, but was implemented citywide only last year. It calls for raises to be awarded on the basis of scores on employee evaluations.

Under the program, a score of 100 on the evaluation would translate into a 4.25-percent raise, while an 85 would mean less than a raise of 3 percent. Anyone who received just an 80 would get 2.25 percent.

While it may sound good on the surface, officers contend in their complaints, the program is really being used to save the city money. Supervisors, they say, are instructed to lower evaluations that are too high, and are given a target score that is more acceptable.

Police say they are not grieving the program, only its application. If scores are not to be given objectively, officers say, they would prefer to return to across-the-board increases based on what the city could afford to pay.

Many members of the rank and file received across-the-board raises of about 3 percent before the Pay for Performance program was implemented, according to the police union, which orchestrated the protest. Afterward, they averaged approximately 2.85 percent.

The grievances were prompted by the successful resolution in September of a complaint filed by one officer, Sgt. Brent Asbury, who claimed his supervisor arbitrarily lowered his score by 10 points.

According to his attorney Gary Lumsden, Asbury's initial score was just under 100. His supervisor, Lt. William Beason, was disciplined for lowering Asbury's score, and those of three other sergeants.

Beason has filed his own grievance against the city, claiming that he had received a memo from his supervisor which he believed directed him to make those adjustments.

In the memo, a copy of which Lumsden provided to The Roanoke Times & World News, Capt. William Althoff wrote on May 23 that he did not approve of the ratings of the sergeants, who had scores of 99.2, 98.3, 97, and 93. "The appraisals are returned to you for amendment," the memo said.

Leaving the narratives unchanged, Beason lowered each score to make the overall average in the mid-80 range. Althoff wrote that high-performing sergeants on other

shifts had been rated in the 85-86 range, which was more acceptable under evaluation guidelines.

Although the city had ruled Asbury's complaint ungrievable, a Circuit Court judge disagreed. In his opinion, Judge Charles Dorsey wrote: "Captain Althoff asked that Lieutenant Beason review the evaluation of Sergeant Asbury...in light of his comments. Captain Althoff did not provide any specific criticism of Sergeant Asbury's performance. It is conceded that Lieutenant Beason then randomly lowered Sergeant Asbury's rating in all categories [along with the ratings of three others under his supervision] causing an overall reduction in the score of the evaluation to 87.3."

Representatives of the city's Police Benevolent Association disputed the city manager's decision to deny the complaints, saying Burcham "is going to ignore us and

do exactly as she pleases!"

Burcham told The Times & World News that she was "floored" by the officers' accusations. The system was developed by a task force that spent hours studying the best system. Far from saving the municipality money, it actually costs money, she said.

More than the estimated \$1.5 million was needed for raises in 2003. And more than 1,600 city employees received above-average scores in 2003, meaning raises of 2.25 percent.

According to Burcham, police waited six months to grieve their May evaluations. Under the city's grievance policy, an employee must make a complaint within 20 calendar days after the event. Even if the grievances had been filed on time, she said, her decision would still have been the same because policies and procedures cannot be grieved.

## Portland brass defend officer's "hit list" of chronic petty offenders

The Portland, Ore., Police Bureau is defending the tactics of an officer from its Central Precinct who, as part of a crime-enforcement project, created a list targeting 35 of the city's worst petty offenders for arrest and overnight incarceration.

Drawn up last fall by Officer Jeff Myers, the list is an effort to rid five neighborhoods of chronic offenders who repeatedly engage in car break-ins, disorderly conduct, suspected drug activity and other crimes.

Since then, some 258 people have been arrested and removed from the street, including about 100 on felony charges. The pilot project has the support of Chief Derrick Foxworth, Mayor Vera Katz, and Multnomah County Sheriff Bernie Giusto.

But defense attorneys and some city officials have questioned the constitutionality of the list, which quickly developed the nickname "the Dirty 30."

Public defender William Walsh, who is representing some of those who were targeted, told The Oregonian newspaper: "What they've done is concocted a way to punish my client pretrial in a way they are not punishing others."

Under what is called the Neighborhood Livability Crime Enforcement Program, every Central Precinct officer is given a copy of the list, which contains the 35 offenders with the highest-number of drug or drug-related arrests in Old Town, Goose Hollow, the Pearl, Northwest and Downtown, along

with the offenders' mug shots. Instead of just being issued a ticket, the offenders are hauled to jail, where Myers has worked out a deal with the sheriff to book any of the 35 who are brought in.

Those on the list, however, were never formally told of its existence, or given the opportunity to appeal their inclusion. Nor did they know they were singled out for repeated trips to jail. Many are on it because they keep returning to the city's drug-free zones and racking up complaints. Twenty-four of the 35 people on the list are minorities, and many are homeless addicts.

In fact, the list was made public in October only after it became part of a motion challenging the constitutionality of the drug-free zones.

Although on the force for just four years, Myers has a reputation for initiating projects that take a page straight from the community-policing handbook. As a senior neighborhood officer, he is credited with cleaning up hot spots for illegal drug activity by fencing off dark alcoves and posting warning signs. Letters were sent to car owners in particular neighborhoods cautioning them about leaving valuables in their vehicles.

As for his latest initiative, Myers said that statistics show that a short period of incarceration, coupled with social services, not only focuses limited police resources, but is more effective at reducing crime than longer, court-imposed sentences.

"People are screaming for this kind of thing," Jim Hayden, a local prosecutor, told The Oregonian. "The homeless drug addicts are emboldening the dealers. I'm trying desperately to find some way to deal with this, and I think this is the right thing to do — the best we can do."

At a meeting of the Multnomah County Public Safety Coordinating Council's executive committee in December, Foxworth called Myers "the epitome of the community policing officer, innovatively working to address chronic livability concerns."

City Commissioner Randy Leonard asked: "How can we clone him?" The enforcement list, he said, made perfect sense. "What I'm impressed with is [Myers] is coming at it from the point of view of not hammering people, and finding a solution. I'm beholding him 100 percent."

## P.G. County prepares for when Officer Johnny comes marchin' home

**Continued from Page 1**  
similar to that which sworn personnel handle in their civilian life, he said.

"One of our concerns was that officers returning from combat with an array of concerns not go back to their day-to-day patrol routines without additional support services which could begin to identify potential, or real, problems," Rollo told LEN.

Joseph Wing, a retired county officer and military veteran who served two tours of duty in Vietnam with the Army's Special Forces, told symposium participants: "The police department is saying be nice [on the job]. But if you're standing in some unsmiling hallway, and there's somebody there you know wants to eviscerate you — I'm not saying it can't be done, but it's difficult."

Rollo likened the stress to that experienced during the 9/11 terrorist attacks by Port Authority police, who experienced such symptoms as hyper-vigilance, sleep disturbance and, months later, potential depression. For returning veterans, there are also such issues as sensitivity to certain stimuli and a use-of-force continuum that is vastly different from that of the military.

"If they're in a combat zone, they have to deal with things in a very different way,

according to a whole different description," he said.

In the first phase of the program, said Rollo, returning officers and their families are welcomed back by Chief Melvin High, himself a veteran who served with the Marines from 1966 to 1967, or the chief's designee. That way, there is some official recognition of the officer's patriotic effort, he said.

Although the peer-support concept has been used by the agency in other situations, such as critical incidents and line-of-duty deaths, Rollo said that the agency now wants to develop a group that would respond to the needs of the officers returning from military duty, as well as those of their families. The peer support individual would act as a shadow, or as a sounding board, for the officer to help him navigate through a system that might have changed in the interim.

"It could be something as simple as making sure the officer's vehicle is in good shape when he or she returned," said Rollo, "that the battery is working and the car starts."

Officials are also considering a mandatory debriefing with a department psychologist for all returning officers. Making the sessions

a requirement will reduce the stigma, said Rollo. And most, whether they want to participate or not, see it in a positive light.

Then there is what the agency is calling Advanced Officer Training. Two of the veterans have already gone through this phase, he said.

Each year, officers have to attend the shooting range and requalify with their weapon. They must participate in a class on judgmental shooting. All of the returning officers are required to attend this program, said Rollo.

"It also gets them back involved with their peers," he said. "They have an opportunity, I think, to tell their story in a forum that is certainly supportive and interested."

Following the completion of that training, the veterans will have to participate in what the department is calling a one-shift orientation. For one shift per week, the officer will be expected to ride with a supervisor to "kind of get their feet wet again," he said.

In addition to all this, the department is also working on a pre-deployment component which would have a peer support member act as a conduit between the officer, his or her family, and the department during the deployment.

# CRIMINAL JUSTICE LIBRARY

*Upward mobility guide:*

## Middle management: been there, done that

### Operational Mid-Level Management for Police,

3rd ed.

By John L. Coleman.

Springfield, Ill.: Charles C Thomas Publisher, Ltd., 2002.  
397 pp.; \$92.95.

By Chet Epperson

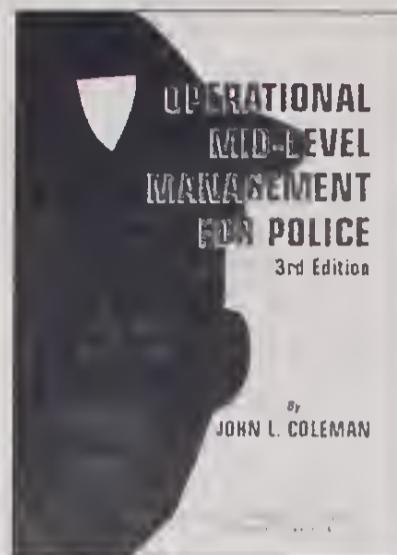
The success of any agency depends on a fundamental consideration: the support and knowledge of an operational mid-level supervisor. For the most part, top management determines the agency's vision, but mid-level supervisors carry out the mission of the department. An agency requires the support of operational mid-level management — without that support, an agency will lack the ability to meet its goals, to move ahead, and to foster an effective agency.

In a serendipitous turn of the professional cards, this reviewer received Coleman's book as a mid-level manager and, around the time of writing the review, received a promotion to upper management. This review, then, is informed by the perspectives of both mid-level and senior management.

This well organized examination of key components of mid-level management begins by devoting considerable discussion to assessing police mid-level leadership, from

the psychology of leadership to a psychological assessment of oneself as a leader. In his introduction, Coleman details the dynamics of mid-level management and its relation to the organization. Coleman asserts that certain traits represent the essential characteristics of an effective police manager. He focuses his discussion on nine universal traits that are used to test for or measure the potential leadership qualities in promotional processes, as well to evaluate incumbent police leaders.

A particular strength of the text is its thoroughness in explaining, describing and analyzing each of the nine traits: obtaining fellowships, performance initiative, analysis skill, decision making, strategy projection, communication, logical inferences, job performance controls, and delegation. At the conclusion of each chapter, the reader cannot help but be left with a thorough understanding of each trait and how it affects the mid-level manager and organiza-



tion. A word to the wise, though: Avoid reading this book if you are seeking a weekend retreat from your daily routine and need to "just read a book". The text is a deep and well-constructed analysis on the dynamics of operational mid-level management. The chapters force you to stop and examine your current style of leadership in an operational mid-level role, and how to prepare for (and thereby avoid) some possible shortcomings for your future

appointment to such a role.

Coleman's presentation is no mere theoretical discussion, as he chooses appropriate and timely sub-topics within the various chapters, such as sexual harassment, workplace discrimination and employee rights. Such issues have had and will continue to have an important impact on policing, and operational mid-level managers will have an enhanced understanding of and be better prepared to deal effectively with these "hot topics" by studying Coleman's careful examination of their vital elements.

Current and aspiring operational mid-level managers are strongly encouraged to tackle this text, a thorough reading of which will facilitate a better understanding of important mid-level management components. This reviewer served in an operational mid-level management capacity at the time of reviewing Coleman's work; having since moved up to senior command rank, it can be said with certainty that the text provides an assurance of one's knowledge of operational mid-level management skills.

(*Chet Epperson is Administrative Deputy Chief of the Rockford, Ill., Police Department. A 21-year law enforcement veteran, he holds B.S. and M.B.A. degrees from Rockford College. You can reach Chet at work: (815) 987-5810 or e-mail: chet.epperson@ci.rockford.il.us.*)

## Once a sex offender . . .

### BJS study looks at likelihood of recidivism for released rapists, molesters

Although the recidivism rate of sex offenders was still lower than that of non-sex offenders three years after being released from prison, a new study by the Bureau of Justice Statistics found that rapists, child molesters and other sex offenders were more than four times as likely to be rearrested for a sex crime.

The report, "Recidivism of Sex Offenders Released from Prison in 1994," is the first to present data on the rearrest, reconviction and reincarceration of sex offenders. Released in December, the study followed nearly two-thirds of the nation's released sex offenders from across the United States for three years beginning in 1994. That year, 15 states released 9,691 male sex offenders, including 3,115 rapists and 4,295 child molesters.

Researchers measured their rates of rearrest, reconviction and reimprisonment with the 262,420 non-sex offenders also released during that period, and within the four overlapping categories of sex offenses.

When compared with non-sex offenders, sex offenders were rearrested for at least one new crime at a rate of 43 percent at the end of three years. Some 87 percent were still on parole when taken into custody. Of the 4,163 rearrested sex offenders, 75 percent were charged with a felony. As for their non-sex crime counterparts, 68 percent were rearrested, and 84 percent were charged with a felony.

While just 1.3 percent of non-sex

offenders were arrested for committing sex crimes, 5.3 percent of sex offenders were rearrested for the same crime within those three years. Forty percent were allegedly committed within the first year, said the report. Sixteen percent of child molesters were charged with a new offense within the first six months.

Forty-six percent of rapists were rearrested by the end of the period studied, and 41.5 percent of sexual assaulters. Child molesters, whom the study found to be the most likely to recommit the same crime, were rearrested for any type of offense at a rate of 39.4 percent after three years. Sixteen percent were rearrested after just six months. Nearly half of statutory rapists, 49.9 percent, were charged again by their third year of release, and 18.5 percent within six months.

The 9,691 sex offenders were released

from state prisons in Arizona, Maryland, North Carolina, California, Michigan, Ohio, Delaware, Minnesota, Oregon, Florida, New Jersey, Texas, Illinois, New York and Virginia.

The average age for all sex offenders was 37, with the three largest age cohorts being those between 30 and 34, 35 and 39, and 45 or older. The study also found that the younger the prisoner was when released, the higher the rate of recidivism.

Most sex offenders were released from prison after serving roughly three and a half years of an eight-year term, according to the study. Rapists, the report said, usually had longer sentences on average than did sexual assaulters, 11 years versus seven years, and usually spent more time in confinement, more than five years as compared with just under three years.

Child molesters, it said, were generally let go after serving about three years of nearly seven-year sentences. Most statutory rapists, sentenced to roughly four-year sentences, served just over two years.

Overall, sex offenders were also found to have shorter criminal histories than non-sex offenders. Before the arrest that resulted in their imprisonment, most had been arrested an average of 4.5 times, compared to the 8.9 times for their non-sex crime counterparts.

Nearly 80 percent of all the sex offenders studied had been arrested at least once before, and half of them more than three times for some type of crime, researchers found. Nearly 14 percent had a prior conviction for a sex crime, and 4.6 percent for a sex crime against a child.

## But expert sounds a cautionary tone

While the BJS study distinguishes among various types of sex offenses, an expert in the field cautions that not all research on the recidivism of sex offenders should be taken at face value.

Psychologist Lou Schlesinger, a professor at John Jay College of Criminal Justice, pointed out that many similar studies are seriously flawed because they tend to look at the charged crime, rather than the offense — comparing, say, an incest offender with a serial rapist.

"If you lump them together, you're going to get very skewed results because incest offenders have a good recidivism rate," Schlesinger told Law Enforcement News. "The predatory people have a horrible rate."

Sex offense is a broad category that could include "incest offenders, consensual sex, statutory rape things, situational date rape, gang rapes and the compulsive, repetitive serial offender," said Schlesinger.

Over the past 15 years or so, he noted, treatment units have become loaded with

incest offenders while the more predatory types are sent to prison, he said. One study then looked at the reoffending rate of those in treatment versus those in jail, and concluded that treatment helps.

"But it doesn't conclude that," Schlesinger said. "It concludes that the sample from the treatment program are all low-risk people. They don't want those predatory, anti-social people. They put them in prison and those are the guys who are the most dangerous."

*Ericson:*

# Information-sharing: Ownership is all

By Lori Ericson

Regardless of the complexity wrought by statutes, developing an information sharing enterprise is first constrained by the laws it must keep. Data regulations within the criminal justice arena are not inherently encumbering, but to a greater degree than in any other industry, they are terribly unforgiving of any carelessness, incapacity or neglect. For good reason, lawmakers have issued strongly worded guidance to system developers, agents, officers and those whose task it is to keep our justice information private and secure. Agencies demanding information-sharing capabilities have only complicated the web of requirements written as the foundation for assuring the information stored in law enforcement data repositories nationwide.

As more and more sharing initiatives spring up, more and more problems will arise. Such problems, whether technical, operational or regulatory in nature, have both stalled and perplexed the criminal justice community. In order to unravel the information-sharing labyrinth, I have approached the concept from a business perspective: high level and top down. From experience and study, it is clear that information sharing initiatives will not come to

*(Lon A. Ericson is an executive with broad experience in the delivery of large, complex information-sharing systems spanning diverse technologies and disciplines. A former Minneapolis police sergeant who holds a master's degree in computer information systems, Ericson's experience as a system architect and program manager for both the public and private sectors includes threat and vulnerability assessment.)*

fruition until ownership is established: A governing body, legitimized and bound under a legal framework, and accredited within the appropriate professional community. From that point forward, decisions made, money spent, and direction given are all based on a common and well defined foundation.

An information-sharing initiative must, first and foremost, adhere to appropriate regulations controlling data usage. The initiative must be driven by the agencies providing the data it consumes and the individuals who will use the information it

problems have resulted in a perplexing tangle of convoluted technical complexities. If there is only one thing about information sharing projects that the reader takes away after reading this article, let it be this: *Ownership is everything.*

## *Legitimizing an Information-Sharing Initiative – Taking Ownership*

Information sharing at the data level is a new paradigm of interaction within the criminal justice world. Although we always vocalized our needs across jurisdictional lines, rarely if ever did we share the actual data from whence we gleaned information.

## *Information-sharing ownership enables cohesion across jurisdictional lines and results in legitimacy.*

bestows. All data rules and regulations affecting these agencies must be assimilated into the sharing project. An information-sharing venture is a challenge in functional and operational cohesiveness; it is *not* a technical solution. If you have already brought in a technical vendor to provide you an information-sharing solution, *stop now*. Put your project on hold until you completely understand the nature of the venture on which you just embarked.

Information-sharing ownership enables cohesion across jurisdictional lines and results in legitimacy. Local and state agencies about to embark on an information-sharing project, as well as those already well into a sharing effort, may discover that ill defined

Therefore, if we are to be successful in our new endeavor of sharing the data, we must identify our data repositories, and then decisively declare ownership of them. Each individual agency must know its data characteristics.

As agencies come together as a new group, the "we" becomes the participant group and the "it" becomes the multiple data stores on which the initiative is focused. Like governments of states, the governance of an information-sharing initiative (namely, we the participants) will have power over, and become responsible for, all activity within its boundaries or under the entire scope of the initiative (that is to say, the movement and management of data).

Legitimacy of a state binds geography, an ideology and a group of people. It identifies the whole as a sovereign organization within a set of borders and throughout the world. Any interaction with the state is controlled by its rules and regulations. How it portrays itself is dependent on those who rule it.

In addition, legitimacy is necessary for a state's existence, and a state will not be deemed legitimate without the stringencies of governance and the presentation as a united whole. A lack of legitimacy causes fragmentation; small factions of unrest begin to chip away at ill accepted rules and ill prepared rulers who make decisions without the benefit of total citizen inclusion. Standing with a splinter group or with a small controlling faction, an outside force will soon offset the balance of control and the state will disintegrate irreparably as the very ideology on which it was built is shattered.

Like a state within the global realm, an information-sharing initiative is a member within the global realm of criminal justice. Legitimacy will come to an information-sharing enterprise through its ability to function as a sovereign entity within the criminal justice realm. It must operate autonomously, apart from any single agency directive. Just as a state must establish itself as a legitimate single power, so too must the information-sharing initiative, if it is to survive as a legitimized entity within the global community of criminal justice.

## *The Scope*

How big is this thing going to get? That is the question asked by the architects of all information-sharing initiatives. Where do we begin and where do we end? Who makes those decisions and how do we maintain control?

Although the information-sharing initiative does not have borders in the geographic sense, it does have boundaries. Within those boundaries live the participants, the "citizens" of the project. And before the project can proceed, it must be scoped. It must be "bound."

Identify participant agencies that will create the sharing "state," and then close the borders! Decide who will be the initial participants and hold fast to that group until the rules for data use are defined. Allow the project's principles to be formed before you allow others to join. Make it the duty of the originating group to set the ideology, or establish the reason the sharing initiative will exist.

For example: A county within a state may decide that it needs to share information across jurisdictional lines, county to county and municipality to municipality to county. Given the region, one county requests a

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## **Note to Readers:**

*The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.*

*Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.*

## OTHER VOICES

*A sampling of editorial views on criminal justice issues from the nation's newspapers.*

### Consider a City-County Police Merger

The Dayton City Commission and City Manager Jim Dineen deserve credit for averting a budget disaster. Spending cuts and strict controls have kept the city solvent without resorting to layoffs. But things remain tight, and pinching pennies isn't a long-range plan. It's a short-term survival strategy ... Dayton must be willing to show boldness and innovation. ... Almost a third of Dayton's expenditures are for police service — \$46.7 million out of \$154.8 million. That's a huge investment in public safety.... Surely, there must be new innovative, cost-effective ways to provide police protection. Next to downtown's western edge sit the region's two largest police agencies — the Montgomery County Sheriff's Department and the Dayton Police Department. Their headquarters literally are back-to-back. ... Each department has its own command staff, communications center, personnel department, evidence room and record-keeping systems. The agencies prepare separate budgets, and purchase equipment independently. Until recently, policing strategies were devised in isolation ... If through combining operations, Dayton could save even 10 percent of its operating costs, that would free nearly \$5 million annually.... Consolidation isn't an all-or-nothing proposition. The International Association of Chiefs of Police has developed a planning protocol for communities to explore the potential of police consolidation. The options range from combining functions, to deputizing officers to serve multiple jurisdictions, to outright mergers.... What's crucial is getting started, beginning with attainable goals. How can Dayton's police department and the county Sheriff's Department trim 10 percent of their police budgets by working together? Community leaders

— indeed, all taxpayers — should want to know.

— Dayton (Ohio) Daily News, Jan. 11, 2004

### A Blue Line Stretched Thin

In seeking another 20 percent drop this year in homicides, Los Angeles Police Chief William J. Bratton has set a high goal. Because of the state's budget crisis and the City Council's subsequent refusal to hire more officers, Bratton will have to meet this ambitious target with no more cops than he had in 2003, far fewer per capita than New York or other major cities. Some of the methods he plans to use were on display in [an] anti-gang raid on a South Los Angeles housing project.... Predawn raids are nothing new for the Los Angeles Police Department. What set the one Wednesday apart was what didn't happen afterward: It was not followed by a widespread community outcry against the police. Bratton appears to be holding to his promise to target the "shot-callers," or leadership, of the most violent gangs rather than going after every kid in baggy clothes or, for that matter, every member of every gang. Doing so is not only more efficient, it helps rebuild trust — and much-needed cooperation — between cops and the poor, largely minority neighborhoods that bear the brunt of the city's homicides and, too often, of police abuse as well.... Rebuilding community trust and cooperation is one of the ways Bratton is trying to make the understaffed LAPD work smarter. At the same time, more aggressive policing has led to an increase in gun attacks on officers. Homicides dropped nearly a quarter in 2003; shots fired at cops went up 21 percent.... The city cannot tolerate attacks on its police force. Nor can the City Council abandon the effort to hire more cops. The LAPD may need to work smarter. But given what it's up against, it also needs enough officers to do the job as safely as possible.

— Los Angeles Times, Jan. 23, 2004

# For info-sharing projects, ownership is all

**Continued from Page 13**

meeting of adjacent counties and the municipalities within each. A group is formed. The decision is made that the original initiative will consist of four counties and 12 municipalities.

The boundaries are set and the agreement made. The scope ends with the most distant municipalities located at the outermost physical borders of the county. This does not mean the project can never grow larger, but it does mean that the original scope and size is set. The focus now turns to building within those established parameters. Any change to this physical scope can only be accomplished with the agreement of the governing body — which was just set with the bounding of the project.

## Ideology — The Charter

The knowledge of why you are sharing information will provide an understanding of the privacy and security rules under which you must operate. Federal, state and local laws and regulations are not the same. Each contains specifications designed to protect the rights of citizens. Cumbersome as they may be, these laws are based on state and federal constitutions, and will define your information-sharing characteristics.

The information-sharing initiative must build a system that not only provides a nationwide view to criminal justice information, but also follows emergent legal strictures. The new entity, if truly legitimate, must abide by the legal guidelines and parameters already established, yet it must be pliable enough to adapt to new laws as they are handed down.

The first source for identifying appropriate privacy and security rules is the original charter. As a part of your initial assessment, analysts should document the local, state and federal privacy laws protecting data usage, as well as security guidelines for housing and controlling it. Technology is advanced enough to offer great promise in joining data from disparate systems. Advancements have offered additional functionality to extract information from free-form text. All of

these technologies are of interest to a sharing initiative. None of them, however, will address privacy and security. Remember, technology only facilitates and implements the decisions you make and the rules you identify. Technology does not and cannot provide your initiative with a privacy and security structure if you cannot first articulate it.

The charter of the sharing initiative is where you 1) define your mission, goals and objectives; 2) name your participants; 3) issue your first set of "rules of engagement" (the method or approach under which you intend to operate), and 4) identify the privacy and security mandates for your project.

**Mission:** The mission will define for you the reason you are sharing. *The joint governance should know the data sets from which you will extract information after defining the mission.* The mission will keep your project scoped, it states agency participation and reason for it. The mission statement provides a short description identifying your effort as an autonomous initiative.

**Goals:** If your initiative were set in a perfect world, what is the goal? What makes it worth the effort?

**Objectives:** What is your long-term vision?

The charter will outline proposed improvements to existing operational methods and identify how the new organization will improve information exchange. This initial documentation will define the information-sharing initiative. When completed, the document will provide a clear understanding of the initiative's principles and the ideology on which it will stand.

## People — The Populace

The participants in the project will determine its success. Interaction between information-sharing participants is the basis on which decisions are made, and it is in that process the ground rules must be laid. How your project is formed, how it operates, and how successful it will be are dependent on its creators, those initial participants who come to the table to advance a sharing program.

The initiative's original participant population should be based on a number of considerations:

**Agency Control:** Agencies participating in sharing must be in good organizational health — that is to say, they must be in control of their agents, officers and staff. The time to learn of disgruntled officers or staff members is not during the development of an information-sharing project.

**Quality of Data:** If an agency is to share, then it must have "product" to share. The data must be in digitized format, whether text-based or in a relational database setting. If the agency cannot produce its data in the required format, it cannot be a part of the initiative, as troublesome as that may seem. An information-sharing initiative does not account for data problems.

**Data Availability:** The data must reside within the confines of agency security and must be available to be pushed out or pulled in. Agency data must be secured and available to the initiative. It does no good to have text-based reports on a laptop that exists outside the parameters of the agency's secure setting. It is unusable.

**Financial Position:** Your agency must be in a financial position to complete the project. The more money you spend on planning and establishing a well-grounded governance mechanism, the less you will spend overall. Information-sharing initiatives abounding in technology are costly. If you intend on using high-tech options, make sure you do your homework first. Look at them critically and determine output before you agree to input! Shared information systems and interwoven data sets are difficult to undo should the dollars run out.

## Law Enforcement/Criminal Justice

**Community Position:** Follow your own information path to determine your position in the overall criminal justice or law enforcement process. Determine how local events affect regional jurisdictions and how the data in your location must travel for inclusive investigations and analysis.

**Technical Understanding:** Agency participants need not be technologists. They must, however, be able to identify the difference between a business issue and a technical concern.

In planning information sharing initiatives, remember: All crime events occur locally. The purest data comes from the local event scene. The immediate outcome of the event can be felt regionally. Supplemental data can be obtained from investigations that nearly always cross some type of jurisdictional line. The far-reaching consequences of the event can be international in scope. Analytical data can be obtained anywhere the event's impact is felt. All of it provides you with information necessary to render reasonable and prudent decisions.

Take the time to learn your processes — again!

## Decision Making

The decisions made by the governing body will focus and drive the initiative. Only after the initiative has been chartered and the governing body acknowledged as the project's owner and administrator can the decisions necessary to build the physical system begin.

At this stage, the group should have already determined the exact nature of the sharing initiative and articulated the rationale for sharing. The rationale, in turn, will define

the required output. The charter and the mission statement should include the specifications that become preliminary functional requirements for developing a technical architecture. Until this point, technology should not have been addressed.

Remember: The only determinant of technology is functionality. The only determinant of functionality is required output. The only determinant of required output is end-user need — the rationale for existence of the charter.

The needs of the information-sharing enterprise can only come from its participants. Through careful assessment, participants will identify the desired output. The output characteristics will determine how the system should function. Then, and only then, will the initiative be ready to evaluate technical options.

The end user is not the individual law enforcement or criminal justice agency. The end user is the information-sharing enterprise, standing on its own as an autonomous and legitimized entity within the professional community.

## Security and Privacy

Security and privacy laws are different across jurisdictional lines. The governing body must determine which statutes and guidelines will affect each participating agency, and then conduct an assessment to determine which of these laws will affect the project.

The decision, to be made by the governance as a whole, must be documented and accepted among the members of the initiative before the technologists attempt to structure the actual technology. The security and privacy rules must be an integral part of the functional requirements.

The security and privacy decision is twofold. First: Which laws apply? Second: What available technologies can handle the development, inclusion and control of the rules I articulate?

Security and privacy inclusion is perhaps the hardest and most complex decision to be made. Compliance with security and privacy laws will make or break your sharing enterprise. The decision to adhere to appropriate security and privacy laws must be made before your team builds any technical component. It will likely be the longest part of your requirements assessment and documentation.

## Conclusion

The success of an information-sharing initiative can be found in its ability to satisfy the information needs of multiple jurisdictions. Resolving true information requirements is difficult. No technology can offer you solutions to your sharing requirements until you can first articulate them. No technology can provide security and privacy as required by law, and no technology can govern your initiative.

Information-sharing projects must first bind their "data-space," identify the ideology that forms the basis on which they will share, and then operate as an autonomous entity. Like state legitimacy, the information-sharing initiative must first define its borders (scope), understand its reason for existence (charter), and identify the people allowed inside its boundaries (populace).

Once ownership is established, the initiative can identify responsibilities, make sound, unified decisions and, when necessary, assess blame.

# Days may be numbered for Milwaukee IAD

Within the first year of her administration, Milwaukee's new police chief Nan Hegerty said, she wants to have a plan in place that would include replacing the department's Internal Affairs Division with a board of professional standards.

While the internal-review overhaul is perhaps the most extensive change she is proposing, Hegerty has other initiatives in mind for the police department as well. She was sworn in on Nov. 18 for a four-year term as chief, replacing Arthur Jones. [See "People & Places," Page 7.]

"We are a professional police force," she told The Milwaukee Journal Sentinel. "We are professionals, and we need to be professional."

Hegerty unveiled her goals before the Fire and Police Commission. The other parts of her plan include reinstating the Gang Crimes Unit, which was disbanded by her predecessor. The new unit would be smaller and work with state and federal authorities to dismantle gang hierarchies.

She also wants to see the implementation

of a computerized early-warning system for officers, and the possible creation of a community leadership advisory board to share crime-trend analysis with citizens. An audit would also be done of each sworn position to determine which personnel can be moved from administrative to enforcement duties.

Hegerty also envisions the creation of a Patrol Support Division, she said, with a mobile crime-fighting force that would help maintain response times in districts during critical situations. It would include motorcycle and tactical squad officers.

Abolishing the department's internal affairs unit, the chief said, would not only free up more officers, but also allow complaints against sworn personnel to be resolved at the district level, improve police-community relations, and relations among officers. Each complaint does not require a full-blown internal investigation, said Hegerty.

"I just don't think that's a healthy way to conduct business," she said.

# UPCOMING EVENTS

## FEBRUARY

**16-20. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Maple Ridge, BC, Canada. \$525.

**23-24. Assessing Terrorism-Related Risk.** Presented by the S2 Institute, Clearwater, Fla.

**23-25. The Traumas of Law Enforcement.** Presented by Concerns of Police Survivors, Cypress, Texas.

**23-27. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Salt Lake City. \$525.

**27. Personal Protection Specialist.** Presented by the Executive Protection Institute, Las Vegas. \$190.

## MARCH

**1-2. Corporate Aircraft Security.** Presented by the Executive Protection Institute, Las Vegas. \$390.

**3-6. VIP Protection for Law Enforcement.** Presented by the Executive Protection Institute, Las Vegas. \$990.

**8-9. Bomb Countermeasures for Security Professionals.** Presented by the S2 Institute, Clearwater, Fla.

**8-10. The Traumas of Law Enforcement.** Presented by Concerns of Police Survivors, Providence, R.I.

**8-12. Crime Analysis Training.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Victoria, BC, Canada. \$525.

**8-12. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Fort Smith, Ark. \$525.

**8-12. Criminal Intelligence Analysis Training.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Fort Myers, Fla. \$525.

**13. Unified 12-Weapon Training Program.** Presented by Northeastern Tactical Schools, Northboro, Mass. \$360.

**14-16. Principles of Protective Services & Detail Operations.** Presented by the S2 Institute, Clearwater,

Fla.

**15-19. Police Executive Development.** Presented by the Institute for Law Enforcement Administration, Concord, NH. \$545.

**15-19. Child Abuse: Intervention, Referral, Investigation.** Presented by the Delinquency Control Institute, Lake Arrowhead Lodge, Calif. \$1,000.

**22. Chemical & Biological Terrorism for Security Professionals.** Presented by the S2 Institute, Clearwater, Fla.

**22-24. The Traumas of Law Enforcement.** Presented by Concerns of Police Survivors, Omaha.

**22-24. SEARCH Symposium on Integrated Justice Information Systems: Supporting the Homeland.** Presented by SEARCH, the National Consortium for Justice Information & Statistics, Crystal City, Va.

**22-26. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Newport News, Va. \$525.

**22-26. Criminal Intelligence Analysis Training.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Las Cruces, NM. \$525.

**29-April 2. Crime Analysis Training.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Aurora, Colo. \$525.

**29-April 2. Criminal Intelligence Analysis Training.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Garner, N.C. \$525.

## APRIL

**4-7. Police Leadership 2004 Conference.** Presented by the British Columbia Association of Chiefs of Police, the Ministry of Public Safety and Solicitor General, and the Justice Institute of BC Police Academy, Vancouver, BC, Canada. \$325.

**5-9. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Castle Rock, Colo. \$525.

**12-13. Anti-Terrorism Officer Program.** Presented by the S2 Institute, Clearwater, Fla.

## Embedded reporters get a closer look at protest

Taking a page from the military's handbook — and one he developed in Philadelphia — Miami Police Chief John Timoney conducted what is believed to be the largest "embedding" of reporters in a police operation in November during the Free Trade Area of the Americas summit.

Under the initiative, journalists from the Associated Press, NBC, CNN, Fox, Reuters and The Miami Herald rode with police units. Similar to the strictures imposed by the military on coverage of the war in Iraq, the reporters had to sign releases that prevented them from disclosing the specific number of officers in a unit, the number of units deployed, equipment or unit locations. They were also required to wear riot helmets and gas masks.

"This is not the case of a camera crew or reporter showing up just as something is breaking," Timoney told The Associated Press. "It's not just a snapshot. You get the whole before, during and after. You get a clearer picture and a better story. I think we win in the long run."

Timoney had previously used such a tactic in 2000 when he was the police commissioner in Philadelphia and that city hosted the Republican National Convention. Reporters were granted access to bicycle patrols deployed around the city.

Police in Miami arrested at least seven demonstrators during the trade talks, which included 34 countries there to discuss creating a free-trade area. There were minor



Face-to-face at the anti-free trade protest in Miami.

Injuries sustained by both protesters and police. Stun guns and a spray that smelled like rotten eggs were used to disperse the crowd.

A similar protest against the World Trade Organization in Seattle in 1999 cost the city \$3 million and resulted in over 500 arrests and accusations that police mishandled the event.

Timoney said the reporters were free to leave the embedding arrangement any time they liked, and that police would not try to influence stories.

## 13-17. International Training Conference & Expo.

Presented by the International Law Enforcement Educators & Trainers Association, Chicago. \$295.

**14. 2004 Dunkin' Donuts World Cup Donut Eating Championship.** Presented by the International Law Enforcement Educators & Trainers Association and Dunkin' Donuts, Rolling Meadows, Ill.

**19-23. Criminal Investigative Analysis (Criminal Profiling).** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Marietta, Ga.

\$525

**29-31. CABO/WMD for First Responders.** Presented by the S2 Institute, Clearwater, Fla.

**26-30. Police Executive Development.** Presented by the Institute for Law Enforcement Administration, Dallas. \$545.

**28-30. Criminal Intelligence Analysis.** Presented by the Alpha Group Center for Crime & Intelligence Analysis Training, Waterloo, Ont., Canada. \$525.

## For further information:

Addresses & phone/fax numbers for organizations listed in calendar of events.

**Alpha Group Center for Crime & Intelligence Analysis Training.** P.O. Box 8, Montclair, CA 91763. (909) 989-4366. Fax: (909) 476-8271. Email: crimecrush@aol.com. Web: www.alphagroupcenter.com.

**Concerns of Police Survivors.** P.O. Box 3199, Carbondale, MO 65020. (573) 346-4911. Fax: (573) 346-1414. Web: www.nationalcops.org.

**Delinquency Control Institute.** 3601 South Flower Street, Los Angeles, CA 90007. (213) 743-2497. Web: www.usc.edu/dept/tpdd/dci.

**Executive Protection Institute.** Highlander Lodge, P.O. Box 802, Berryville, VA 22611-0802. (540) 554-2540. Fax: (540) 554-2558. Web: www.personalprotection.com.

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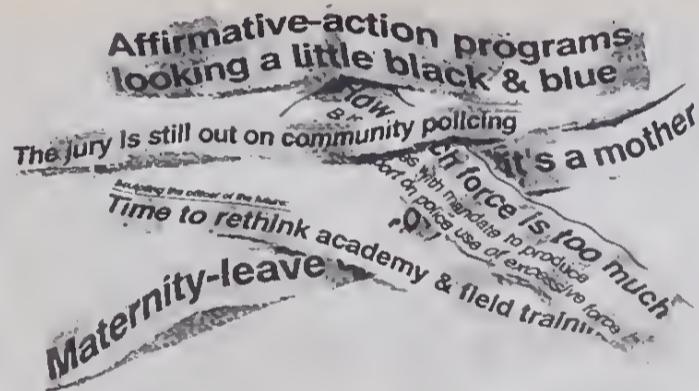
**Northeastern Tactical Schools.** 8 Kingsbury Lane, North Billerica, MA 01862-1820. (978) 667-5591.

**Police Leadership 2004 Conference.** c/o Sgt. Mike Novakowski, Conference Coordinator, JIBC Police Academy, 715 McBride Boulevard, New Westminster, BC V3L 5T4. 1-877-275-4333. Web: www.policeleadership.org

**S2 Institute.** 1261 South Missouri Avenue, Clearwater, FL 33756. (727) 461-0066. Fax: (727) 449-1269. Web: www.s2institute.com.

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# LAW ENFORCEMENT NEWS

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## WHAT THEY ARE SAYING:

"Whether it's a Bubba with a still in the woods who's got something to hide or an undocumented alien, the question is, is there some criminal act?"

— Maj. Patrick Manning of the Alabama Department of Public Safety, on the expansion of local police authority in immigration enforcement. (*Story*, Page 1.)